

S. C. R. No. 130

S. B. No. 837

S. C. R. No. 128

May 30, 1971

S. B. No. 1011

S. B. No. 885

S. B. No. 515

S. B. No. 989

S. C. R. No. 124

S. B. No. 396 (again sent)

S. B. No. 768

Sent to Comptroller

May 30, 1971

S. B. No. 841

## SEVENTY-EIGHTH DAY

(Continued)

Monday, May 31, 1971

After Recess

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the President Pro Tempore.

Reverend W. H. Townsend, Chaplain offered the invocation.

### Message From the House

Hall of the House of Representatives  
Austin, Texas,  
May 31, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 104, Granting Doyle H. Gaither, Charles C. Gaither, and Doyle H. Gaither, Trustee, Independent Utilities Corporation, and Domecello, Inc., permission to sue the State of Texas and the State Highway Department of the State of Texas.

S. B. No. 194, A bill to be entitled "An Act re-enacting and amending Statutes, providing definitions for the terms 'hazardous traffic law violations,' 'cancellation of driver's license,' 'license authorized to operate a motor vehicle,' 'suspension of driver's license' and 'conviction'; etc.; and declaring an emergency."

(With amendments.)

S. B. No. 473, A bill to be entitled "An Act amending Sections 1.03(10), 3.06, 6.18, 7.03 and 8.10 of Chapter 113, Acts of the 58th Legislature, 1963, the Texas Savings and Loan Act (Article 852a, Vernon's Texas Civil Statutes); and declaring an emergency."

(With amendments.)

S. B. No. 801, A bill to be entitled "An Act relating to the duties of the Advisory Council for Children with Learning Disabilities; extending the Council's existence; etc.; and declaring an emergency."

S. B. No. 908, A bill to be entitled "An Act relating to the granting of tuition scholarship to nursing students at certain state-supported institutions of higher education; and declaring an emergency."

S. B. No. 931, A bill to be entitled "An Act relating to the creation, powers, and duties of the Texas Rural Industrial Development Authority to administer a program providing for the establishment of industrial development projects in rural areas; and declaring an emergency."

S. B. No. 990, A bill to be entitled "An Act authorizing the Central Education Agency to recognize as 'classroom teachers' for utilization of classroom teacher allotment purposes of the Foundation Program Act, teacher certificated personnel employed or assigned by school districts in administration involving pupil attendance and/or registrar responsibilities; and declaring an emergency."

S. B. No. 1020, A bill to be entitled "An Act relating to the creation, administration, powers and duties, and financing of the Walker County Hospital District of Walker County, Texas; and declaring an emergency."

(With amendment.)

S. B. No. 1032, A bill to be entitled "An Act providing for the authorization and issuance by any city or town which has by duly adopted resolution, order or ordinance approved or approved in principle a New Community plan in connection with a New Community Development project under the Federal Urban Growth and New Community Development Act of 1970, of Certificates of Indebtedness for the purposes of acquiring, purchasing,

constructing, repairing, renovating, improving, and/or equipping any public projects or facilities of any type; etc.; and declaring an emergency."

S. C. R. No. 41, Authorizing and directing the Texas Water Quality Board to devise a plan providing for the permanent conversion of Mitchell Lake in Bexar County, Texas, from a sludge reservoir to a public recreation lake.

S. C. R. No. 86, To establish a Study Committee on Traffic Court Reorganization.

S. C. R. No. 101, Creating a special interim committee on nursing homes.

S. C. R. No. 103, Creates an interim committee to investigate the financial structure of life insurance companies authorized to do business in this state.

S. C. R. No. 114, Designating the months of July, August, and September, 1971, as "Keep Texas Homes Beautiful" months.

S. C. R. No. 116, Creating the Rio Grande River Water Study Committee.

S. C. R. No. 129, Providing for a Study Committee on Vacancy Laws.

S. C. R. No. 132, Creating an interim committee on Beach Study.

S. C. R. No. 133, Providing that committee be appointed to make recommendations to the next regular session of the Legislature for the revision of the hard mineral laws of Texas, including but not limited to, Articles 5421c-7, 5421c-10, and any other legislative act governing and controlling the exploration and development of hard minerals in the State of Texas.

S. C. R. No. 135, Creating the Committee on State Tax Policy Study.

The House has adopted the Conference Committee Report on Senate Bill No. 814 by a non-record vote.

The House has concurred in Senate amendments to House Bill No. 655 by vote of 136 Ayes, 0 Noes, 1 Present, Not Voting.

The House has concurred in Senate amendments to House Bill No. 988 by non-record vote.

The House has concurred in Senate amendments to House Bill No. 1089 by non-record vote.

H. C. R. No. 182, Creating a joint interim committee of the House and Senate to study the feasibility and desirability of constructing and establishing a statewide museum.

H. C. R. No. 140, Creating a special interim committee on Nursing Homes.

H. C. R. No. 191, Granting permission to Mrs. Quatha Kirkpatrick to sue the State of Texas, the Texas Department of Mental Health and Mental Retardation, and the Texas Department of Corrections.

H. C. R. No. 193, Recognizing the accomplishments of Dr. J. William Davis for his service to Texas Tech University and congratulating him on his life-long career of achievement.

H. C. R. No. 155, Appointing an interim committee on the Organization of the Executive Branch of Government investigating the present organization and methods of all departments, bureaus, agencies, boards, commissions and other instrumentalities of the executive department of government.

S. B. No. 821, A bill to be entitled "An Act exempting Parks and Wildlife Department projects from Building Commission action; amending Section 3, Chapter 455, Acts of the 59th Legislature, 1965 (Article 678f, Vernon's Texas Civil Statutes); and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

House Concurrent Resolution 184 on  
Second Reading

The President Pro Tempore laid before the Senate:

H. C. R. No. 184, Creating a special interim committee on the Penal Code of Texas.

The resolution was read.

On motion of Senators Bates and Herring and by unanimous consent, the resolution was considered immediately and was adopted.

**Reports of Standing Committee**

By unanimous consent, Senator Blanchard submitted the following reports for the Committee on Administration:

S. R. No. 1182.

S. C. R. No. 91.

S. R. No. 1268.

H. C. R. No. 136.

H. C. R. No. 122.

S. R. No. 1216.

S. R. No. 1217.

S. R. No. 1313.

S. R. No. 1329.

S. R. No. 58.

S. R. No. 784.

S. R. No. 1362.

S. R. No. 1425.

S. C. R. No. 87.

**Senate Concurrent Resolution 91  
Ordered Not Printed**

On motion of Senator Blanchard and by unanimous consent, S. C. R. No. 91 was ordered not printed.

**Senate Resolution 1182  
Ordered Not Printed**

On motion of Senator Blanchard and by unanimous consent, S. R. No. 1182 was ordered not printed.

**Senate Resolution 1268 Ordered  
Not Printed**

On motion of Senator Blanchard and by unanimous consent, S. R. No. 1268 was ordered not printed.

**House Concurrent Resolution 136  
Ordered Not Printed**

On motion of Senator Blanchard and by unanimous consent, H. C. R. No. 136 was ordered not printed.

**House Concurrent Resolution 122  
Ordered Not Printed**

On motion of Senator Watson and by unanimous consent, H. C. R. No. 122 was ordered not printed.

**Senate Resolution 1216 Ordered  
Not Printed**

On motion of Senator Watson and by unanimous consent, S. R. No. 1216 was ordered not printed.

**Senate Resolution 1217 Ordered  
Not Printed**

On motion of Senator Watson and by unanimous consent, S. R. No. 1217 was ordered not printed.

**Senate Resolution 1313 Ordered  
Not Printed**

On motion of Senator Watson and by unanimous consent, S. R. No. 1313 was ordered not printed.

**Senate Resolution 1329 Ordered  
Not Printed**

On motion of Senator Watson and by unanimous consent, S. R. No. 1329 was ordered not printed.

**Senate Resolution 58 Ordered  
Not Printed**

On motion of Senator Wilson and by unanimous consent, S. R. No. 58 was ordered not printed.

**Senate Resolution 784 Ordered  
Not Printed**

On motion of Senator Kothmann and by unanimous consent, S. R. No. 784 was ordered not printed.

**Senate Resolution 1362 Ordered  
Not Printed**

On motion of Senator Watson and by unanimous consent, S. R. No. 1362 was ordered not printed.

**Senate Resolution 1425 Ordered  
Not Printed**

On motion of Senator Schwartz and by unanimous consent, S. R. No. 1425 was ordered not printed.

**Senate Concurrent Resolution 87  
Ordered Not Printed**

On motion of Senator Herring and by unanimous consent, S. C. R. No. 87 was ordered not printed.

**Senate Resolution 1182 on  
Second Reading**

On motion of Senator Blanchard and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. R. No. 1182—Providing for the creation of an Interim Committee to study Automobile Insurance.

The resolution was read and was adopted.

**Senate Concurrent Resolution 91  
on Second Reading**

On motion of Senator Blanchard and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. C. R. No. 91—Providing for an Interim Committee to study life insurance.

The resolution was read.

On motion of Senator Blanchard and by unanimous consent, the resolution was considered immediately and was adopted.

**Senate Resolution 1268 on  
Second Reading**

On motion of Senator Blanchard and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. R. No. 1268—Providing for the creation of an Interim Committee to study rising medical costs.

The resolution was read and was adopted.

**Report of Standing Committee**

By unanimous consent, Senator Herring submitted the following report for the Committee on Jurisprudence:

H. C. R. No. 32.

**House Concurrent Resolution 136  
on Second Reading**

On motion of Senator Blanchard and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 136, Creating a special interim committee to study the feasibility and advisability of locating nuclear power plants in the State of Texas.

The resolution was read.

On motion of Senator Blanchard and by unanimous consent, the resolution was considered immediately and was adopted.

**Record of Vote**

Senator Brooks asked to be recorded as voting "Nay" on the adoption of the resolution.

**House Concurrent Resolution 122  
on Second Reading**

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 122, Establishing the Committee to Study the Proper Roles of Junior Colleges and Technical Institutes.

The resolution was read.

On motion of Senator Watson and by unanimous consent, the resolution was considered immediately and was adopted.

**Senate Resolution 1216 on  
Second Reading**

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. R. No. 1216—Providing for the creation of an Interim Committee on Environmental Matters and conforming with Federal Standards.

The resolution was read and was adopted.

**Senate Resolution 1217 on  
Second Reading**

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. R. No. 1217—Providing for the creation of an Interim Committee on the availability of narcotics.

The resolution was read and was adopted.

**Senate Resolution 1313 on  
Second Reading**

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. R. No. 1313—Providing for the creation of an Interim Committee to study aspects of Technical-Vocational Education.

The resolution was read and was adopted.

**Senate Resolution 1329 on  
Second Reading**

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. R. No. 1329—Providing for the creation of an Interim Committee to study Foundations and their relation to the Tax Reform Act of 1969.

The resolution was read and was adopted.

**Senate Resolution 58 on  
Second Reading**

On motion of Senator Wilson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. R. No. 58—Providing for the creation of an Interim Committee to study need for and rising cost of health and social services.

The resolution was read and was adopted.

**Senate Resolution 784 on  
Second Reading**

On motion of Senator Kothmann and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. R. No. 784—Providing for the creation of an Interim Committee to study Public Lands and Parks and Wildlife Development.

The resolution was read and was adopted.

**House Resolution on First Reading**

The following resolution received from the House, was read the first time and referred to the Committee indicated:

H. C. R. No. 104, To Committee on Jurisprudence.

**Report of Standing Committee**

By unanimous consent, Senator Herring submitted the following report for the Committee on Jurisprudence:

H. C. R. No. 104 (Floor report).

**House Concurrent Resolution 104  
Ordered Not Printed**

On motion of Senator Herring and by unanimous consent, H. C. R. No. 104 was ordered not printed.

**House Concurrent Resolution 104  
on Second Reading**

On motion of Senator Herring and by unanimous consent, the regular order of business was suspended to take up for consideration:

H. C. R. No. 104, Granting Doyle H. Gaither, Charles C. Gaither, and Doyle H. Gaither, Trustee, Independent Utilities Corporation, and Domicello, Inc., permission to sue the State of Texas and the State Highway Department of the State of Texas.

The resolution was read.

On motion of Senator Herring and by unanimous consent, the resolution was considered immediately and was adopted.

**House Concurrent Resolution 32  
on Second Reading**

On motion of Senator Blanchard and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 32—That Bobby K. Field is granted permission to sue the State of Texas in any court of competent jurisdiction for any relief to which he may be entitled under the law arising from the allegations stated in this Resolution or any allegations necessarily connected with them.

The resolution was read.

On motion of Senator Blanchard and by unanimous consent, the resolution was considered immediately and was adopted.

**Senate Resolution 1362 on  
Second Reading**

On motion of Senator Watson and by unanimous consent, the reg-

der of business was suspended to take up for consideration at this time:

S. R. No. 1362—Providing for the creation of an Interim Committee on the creation of a Communications and Information Center Study Committee.

The resolution was read and was adopted.

**Senate Resolution 1425 on  
Second Reading**

On motion of Senator Schwartz and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. R. No. 1425—Providing for the Creation of an Interim Beach Study Committee.

The resolution was read and was adopted.

**Senate Concurrent Resolution 87  
on Second Reading**

On motion of Senator Herring and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. C. R. No. 87—Reconstituting Committee for study of Land Use and Environmental Control.

The resolution was read.

On motion of Senator Herring and by unanimous consent, the resolution was considered immediately and was adopted.

**House Concurrent Resolution 192  
on Second Reading**

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 192, Congratulating Dr. Jack Kenny Williams on his excellent achievements in the field of education, and on his appointment as President of Texas A&M University.

Signed—Lieutenant Governor Ben Barnes; Aikin, Bates, Beckworth, Bernal, Blanchard, Bridges, Brooks, Christie, Connally, Creighton, Grover, Hall, Harrington, Harris, Herring, Hightower, Jordan, Kennard, Kothmann, Mauzy, McKool, Moore, Patman, Ratliff, Schwartz, Sherman, Snelson, Wallace, Watson, Wilson, Word.

The resolution was read.

On motion of Senator Herring and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Moore the resolution was adopted.

**Senate Bill 1020 With  
House Amendments**

Senator Moore called S. B. No. 1020 from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and the following House amendments before the Senate:

**Amendment No. 1**

Amend Senate Bill 1020 by deleting the first two sentences of Section 2 and substituting therefor the following:

"The District hereby authorized to be created shall provide for the establishment of a hospital or hospital system within its boundaries to furnish hospital care to persons residing in said District by the purchase, construction, acquisition, repair or renovation of buildings and improvements and the equipping of same and the administration thereof for hospital purposes. Such district shall assume the full responsibility for providing hospital care for its needy inhabitants."

**Amendment No. 2**

Amend Senate Bill 1020 by deleting the second sentence of Section 4(d) and substituting therefor the following:

"(d) The hospital system may include domiciliary hospital care of the sick, wounded and injured, out-patient clinic or clinics, dispensaries, geriatric domiciliary care, convalescent home facilities, necessary nurses, domiciliaries and training centers, blood banks, community health centers and research centers or laboratories, and other facilities deemed necessary for hospital care by the Board."

**Amendment No. 3**

Amend Senate Bill 1020 by deleting the 9th sentence of Section 4, subsection (c) and substituting therefor the following:

"Such Board shall be authorized to contract with any county or incorporated municipality located outside its boundaries for the hospitalization of the sick, diseased or injured persons of any such county or municipality, and shall have the authority to contract with the State of Texas or agencies of the Federal Government for the hospitalization of sick, diseased or injured persons."

The House amendments were read.

Senator Moore moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

#### Conference Committee Report on Senate Bill 56

Senator Word submitted the following Conference Committee Report:

Austin, Texas,  
May 29, 1971.

Hon. Ben Barnes, President of the Senate.

Hon. Gus F. Mutscher, Speaker of the House of Representatives.

Sirs: We, your Conference Committee appointed to adjust the differences between the House and Senate on Senate Bill No. 56, have met and adjusted our differences and beg leave to recommend that Senate Bill No. 56 be passed in the form attached hereto.

Respectfully submitted,

WORD  
HALL  
JORDAN  
HIGHTOWER  
WATSON

On the part of the Senate.

MURRAY  
NABERS  
TRAEGER  
JONES of Taylor

On the part of the House.

S. B. No. 56,

#### A BILL TO BE ENTITLED

An Act relating to tuition equalization grants for students of certain private colleges and universities in Texas; providing for severability; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. In order to provide the maximum possible utilization of existing educational resources and facilities within this State, both public and private, the Coordinating Board, Texas College and University System, is authorized to provide tuition equalization grants to Texas residents enrolled in any approved private Texas college or university, based on student financial need, but not to exceed a grant amount of more than that specified in the appropriation by the Legislature.

Sec. 2. (a) The coordinating board shall approve only such private or independent colleges, universities, associations, agencies, institutions, and facilities as are located within this State, which meet program standards and accreditation comparable to public institutions as determined by the board.

(b) The coordinating board shall make such regulations as may be necessary to insure compliance with the Civil Rights Act of 1964, Title VI (Public Law 88-352) in regard to non-discrimination in admissions or employment.

(c) Those riders in the General Appropriations Act that apply to expenditure of state funds at state-supported colleges and universities shall also apply to expenditure of state funds at any college or university which any student receiving aid under this Act may attend.

Sec. 3. To be eligible for a tuition equalization grant, a person must:

(a) be a Texas resident as defined by the coordinating board; provided, however, the person must meet, at a minimum, the resident requirements

as defined by law for Texas resident tuition in fully state-supported institutions of higher education;

(b) be enrolled as a full-time student in an approved college or university;

(c) be required to pay more tuition than is required at a public college or university;

(d) establish financial need in accordance with procedures and regulations of the coordinating board;

(e) not be a recipient of any form of athletic scholarship;

(f) have complied with other requirements adopted by the coordinating board under this Act.

Sec. 4. Any college or university receiving any benefit under the provisions of this Act, either directly or indirectly, shall be subject to all present or future laws enacted by the Legislature.

Sec. 5. On receipt of a student application, enrollment report, and certification of the amount of financial need from an approved institution, the coordinating board shall certify the amount of the tuition equalization grant based on financial need but not to exceed a grant amount of more than that specified in the appropriation by the Legislature, or more than the difference between the tuition at the private institution attended and the tuition at public colleges and universities. The proper amount of the tuition grant shall be paid to the student through the college or university in which he is enrolled. In no event shall a tuition equalization grant paid pursuant to this Act exceed the sum of six hundred dollars (\$600) in behalf of any student during any one fiscal year.

Sec. 6. This Act applies to freshmen (first year) students beginning in the fall semester of 1971; to freshmen and sophomores in 1972; to freshmen, sophomores, and juniors in 1973; and to all students attending approved private institutions in 1974 and thereafter.

Sec. 7. (a) The coordinating board may make reasonable regulations, consistent with the purposes and policies of this Act, to enforce the requirements, conditions, and limitations expressed in this Act.

(b) The coordinating board shall make such regulations as may be necessary to comply with the provisions of Article I, Section 7, Article III, Section 51, and other parts of the Texas Constitution.

(c) The coordinating board shall distribute copies of all regulations adopted pursuant to this Act to each eligible institution.

Sec. 8. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 9. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended; and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was read and was adopted by the following vote:

#### Yeas—25

Aikin	Herring
Bates	Hightower
Beckworth	Jordan
Bernal	Kennard
Bridges	Kothmann
Brooks	McKool
Christie	Patman
Connally	Ratliff
Creighton	Sherman
Grover	Watson
Hall	Wilson
Harrington	Word
Harris	

#### Nays—6

Blanchard	Schwartz
Mauzy	Snelson
Moore	Wallace

#### Senate Bill 1021 With House Amendment

Senator Moore called S. B. No. 1021 from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the following House amendment before the Senate:

#### Amendment No. 1

Amend S. B. No. 1021, by striking Section No. 2 and renumbering the remaining sections accordingly.

The House amendment was read.



Senator Moore moved that the Senate concur in the House amendment.

The motion prevailed.

**Senate Bill 473 With  
House Amendment**

Senator Brooks called S. B. No. 473 from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the following House amendment before the Senate:

**Amendment No. 1**

Amend S. B. 473, Second Printing, page 2 by striking all of Sections 3 and 4 and renumbering the subsequent sections accordingly, and amend the caption to conform with the body of the bill.

The House amendment was read.

Senator Brooks moved that the Senate concur in the House amendment.

The motion prevailed.

**Senate Bill 268 With  
House Amendment**

Senator Blanchard called S. B. No. 268 from the President's table for consideration of the House amendment to the bill:

The President Pro Tempore laid the bill and the following House amendment before the Senate:

**Floor Amendment No. 1**

Amend S. B. No. 268 by striking all below the enacting clause and substituting therefor the following:

Section 1. There is hereby created an agency of the State of Texas which shall be designated as the Texas Vending Commission; said Commission shall consist of six (6) members to be appointed by the Governor with the advice and consent of the Senate and three (3) ex officio members, who shall have the right to vote, to be the Directors of the Department of Public Safety, or his nominee; the Commissioner of Consumer Credit, or his nominee; and the Attorney General, or his nominee. Of the six appointed members, not more than three (3) shall be or have ever been an "owner"

or "operator" of any "coin-operated" machine as those terms are defined in Chapter 13, Title 122A, Revised Civil Statutes of Texas. In making the initial appointments, the Governor shall designate two (2) members for a term expiring January 31, 1973; two (2) members for a term expiring January 31, 1975; and two (2) members for a term expiring January 31, 1977. Thereafter their successors shall serve for six (6) years. Appointees shall hold office until their successors are appointed and qualified.

Section 2. There are hereby transferred to the Texas Vending Commission all of the duties, powers, functions, responsibilities and authority heretofore exercised by the Comptroller of Public Accounts under Chapter 13, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended so that hereafter the term "Texas Vending Commission" shall be substituted for the phrase "Comptroller of Public Accounts" or the word "Comptroller" in said Chapter 13. This section shall be effective on September 1, 1971.

Section 3. The Texas Vending Commission shall be empowered to hire and employ an Executive Director and such other personnel as may be required and necessary to carry out the duties, functions, responsibilities and authority of said Commission including professional consultants. The Executive Director of the Commission and other personnel shall receive such compensation as may be set by the Commission, exclusive of any necessary expenses incurred in the performance of official duties, as shall be appropriated by the Legislature.

Section 4. All members of the Commission shall be compensated for attendance at meetings in an amount of Thirty-five Dollars (\$35.00) per day for each day they are actually engaged in performing their duties; provided, however, they shall not draw compensation for more than sixty (60) days in any one fiscal year. In addition to the per diem provided for herein, members of the Commission shall be reimbursed for their actual and necessary traveling expenses in the performance of their duties.

Section 5. Section 16 of Article 13.17, Title 122A, Taxation General, Revised Civil Statutes of Texas, 1925, as amended, is hereby amended to read as follows:

**"Section 16. Fees.**

"(1) The annual license fee for either an import or a general business license shall be based on the number of music and the number of skill and pleasure, coin-operated machines in which each licensee shall have any interest as set forth in Section 8 of this Article; and said annual fee shall be Ten Dollars (\$10.00) for each such coin-operated machine, but in no event shall such fee be less than Fifty Dollars (\$50.00) nor more than Three Thousand Dollars (\$3,000.00). This fee shall be in addition to the tax levied by Article 13.02.

"(2) After issuance of a license to a licensee, the Texas Vending Commission may not refund any portion of a license fee."

Section 6. Section 19 of Article 13.17, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, is hereby amended by adding a new section as follows:

"(4) The Texas Vending Commission shall not renew a license for a business under this Article if it finds that a licensee, or a partner or major stockholder, or any one employed by a licensee has been convicted of a felony in a court of competent jurisdiction, regardless of whether the sentence was probated or served, within five (5) years from the date of such person's first employment or association with the business, or thereafter."

Section 7. All funds received by the Commission for license fees pursuant to Article 13.17, Title 122A, Taxation-General, Revised Civil Statutes of Texas shall be deposited to the General Revenue Fund of the State Treasury. All money to be expended by the Commission shall be appropriated out of the General Revenue Fund.

Section 8. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted.

The House amendment was read.

Senator Blanchard moved that the Senate concur in the House amendment.

The motion prevailed.

**Record of Votes**

Senators Watson and Snelson asked to be recorded as voting "Nay" on the motion to concur in the House amendment.

**Senate Bill 194 With House Amendments**

Senator Hall called S. B. No. 194 from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and the following House amendments before the Senate:

**Amendment No. 1**

Amend S. B. No. 194 by deleting Section 1 and renumbering remaining sections.

**Amendment No. 2**

Amend S. B. 194 by deleting (c) and (d) in "Sec. 7" of Sec. 4.

**Amendment No. 3**

Amend S. B. 194 by changing the period at the end of (e) of Sec. 8 to a comma and adding the following language:

"provided, however that if requests for such information be prepared and presented by a single person at any one time in the quantities hereinafter specified and upon data processing request forms acceptable to the Department, such information may be provided upon payment of the following fees for each individual request:

"If fifty (50) to two hundred forty-nine (249) at a time, a fee of Seventy-five Cents (75¢) each; and, if two hundred fifty (250) or more at a time, a fee of Fifty Cents (50¢) each."

**Amendment No. 4**

Amend S. B. 194 by changing the period at the end of (f) of Sec. 8 to a comma and adding the following language:

"provided, however, that if requests for such information be prepared in quantities of one hundred (100) or more from a single person at any one time and upon data processing request forms acceptable to the Department, such information may be provided upon payment of a One Dollar (\$1.00) fee for each individual request."

**Amendment No. 5**

Amend S. B. 194 by deleting Sec. 10 and renumbering the remaining sections.

**Amendment No. 6**

Amend S. B. 194 by deleting Sections 11 and 12 and renumbering the remaining sections.

The House amendments were read.

Senator Hall moved that the Senate concur in the House amendments.

The motion prevailed.

**Record of Votes**

Senators Brooks and Grover asked to be recorded as voting "Nay" on the motion to concur in House amendments.

**Senate Resolution 1464**

By unanimous consent, Senator Watson offered the following resolution:

S. R. No. 1464, Providing for the creation of an Interim Committee to study life insurance insolvencies.

The resolution was read and was referred to the Committee on Administration.

**Senate Resolution 1465**

By unanimous consent, Senator Watson offered the following resolution:

Whereas, The Honorable Thomas Durwood Manford, Jr., has served the State of Texas for the past 30 years, beginning with his first term in the House of Representatives of the Texas Legislature in 1941 and still continuing as he presently serves on the State Board of Insurance, where his tenure began in 1961 with his appointment to fill the unexpired term of Dr. Robert W. Strain; and

Whereas, Born in Smiley, Gonzales County, Texas, on March 13, 1917, Durwood Manford was educated in the Nixon public schools and attended Southwestern University in Georgetown from 1933 to 1935; he was graduated from The University of Texas School of Law and is a member of the State Bar of Texas; and

Whereas, It was during Mr. Manford's tenure as Speaker of the Texas

House of Representatives, from 1949-1951, that the Texas Legislative Council and the Legislative Budget Board were created; also, during this period, one of the greatest forward steps in rural road development in Texas was attained with the enactment of the famous Colson-Briscoe Act, which provided for ranch and farm-to-market roads; as a Member of the House of Representatives, former Representative Manford served in several sessions on the important House committees on appropriations, state affairs, labor, highways and roads, and banks and banking, and he was a member of the Legislative Audit Committee, the Legislative Budget Board, and the Texas Legislative Council; and

Whereas, Additional high offices in State Government held by Durwood Manford include terms as a member and then chairman of the State Board for Hospitals and Special Schools; membership on the Industrial Accident Board on an interim appointment by Governor Price Daniel; chairman of the Texas Board of Water Engineers, also on appointment of Governor Price Daniel; and his present position as a member of the State Board of Insurance, first by appointment of Governor Daniel and then by reappointment of Governor Connally to a six-year term beginning in February 1965; and

Whereas, Mr. Manford is married to the former Joyce Price who is the daughter of Mr. and Mrs. William Louis Price of Georgetown; the three children of the couple include Joyce Melvin (Manford) Huggins, the wife of John M. Huggins, an attorney with the firm of Baker, Botts, Shepherd and Coates of Houston; Thomas D. Manford III, an attorney in Washington, D. C.; and Louis Price Manford, in the United States Navy stationed at Naples, Italy; and

Whereas, In addition to his official duties, Durwood Manford has many farm and cattle investments and operations, and is interested in a number of corporations owned by the Manford family; now, therefore, be it

Resolved, That the Senate of the 62nd Legislature take this opportunity to commend the Honorable Thomas Durwood Manford, Jr., for his many years of exemplary service to the State of Texas, and express appreciation to him for the personal sacrifice which he and his family have

made in the interest of State Government; and, be it further

RESOLVED, That an official copy of this Resolution, under the Seal of the Senate, be prepared for Durwood Manford and his family in token of the high esteem which the Senate of Texas has for them and their contributions to this state.

The resolution was read and was adopted.

#### Senate Resolution 1467

By unanimous consent, Senator Mauzy offered the following resolution:

S. R. No. 1467—Providing for the creation of an Interim Committee to study Workmen's Unemployment Compensation.

The resolution was read and was adopted.

#### Reports of Standing Committees

By unanimous consent, Senator Hall submitted the following report for the Committee on County, District and Urban Affairs:

H. B. No. 1888 (Floor report).

By unanimous consent, Senator Wilson submitted the following reports for the Committee on Constitutional Amendments:

H. J. R. No. 95 (Floor report).

H. J. R. No. 58 (Floor report).

#### House Bill 1888 Ordered Not Printed

On motion of Senator Hall and by unanimous consent, H. B. No. 1888 was ordered not printed.

(President in Chair).

#### Senate Resolution 1468

Senator Creighton offered the following resolution:

Whereas, Many outstanding young men devote their time and energy to the Senate of Texas as pages during each session of the Legislature; without the assistance of these eager and enthusiastic young men, the business of the Senate could not be transacted as efficiently; and

Whereas, Many fine young people of this State do not have the opportunity to serve as pages, even though they are outstanding students; it is a privilege for the Senate to recog-

nize two such students who have not let the condition of blindness hinder them from becoming exceptional students in every way and

Whereas, Randy Clutter, a ten-year old fifth grade student, is the son of Mr. and Mrs. Earl Clutter of Del Valle, Texas; he has received the Certificate of Excellence in Elementary Band where he plays trumpet; and

Whereas, Patrick Bartel, a nine-year old student who is completing the fourth grade, is the son of Lt. Colonel and Mrs. Harry C. Bartel of Austin; now, therefore, be it

Resolved, That the Senate of the 62nd Legislature, by this Resolution, name Randy Clutter and Patrick Bartel as Honorary Pages of the Senate; and be it further

Resolved, That copies of this Resolution be prepared for them, and for their parents, as a memento of this occasion.

#### CREIGHTON

Signed—Lieutenant Governor Ben Barnes; Aikin, Bates, Beckworth, Bernal, Blanchard, Bridges, Brooks, Christie, Connally, Grover, Hall, Harrington, Harris, Herring, Highower, Jordan, Kennard, Kothmann, Mauzy, McKool, Moore, Patman, Ratliff, Schwartz, Sherman, Snelson, Wallace, Watson, Wilson, Word.

The resolution was read.

On motion of Senator Herring and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Creighton the resolution was adopted.

#### Senate Resolution 1469

Senator Hightower offered the following resolution:

Whereas, The Texas Senate has had the advantage of the services of many fine Assistant Sergeants-at-Arms this session; these enthusiastic and capable young men have served the Senate with dedication and loyalty; and

Whereas, Two outstanding Assistant Sergeants who have served faithfully and diligently and have not let the fact that they are blind prevent them from rendering invaluable assistance to the Senate of Texas have been singled out for special recognition; and

Whereas, James "Butch" McAlpine is a seventeen year old student at the Texas School for the Blind and will begin his senior year in the fall; he is the son of Mr. and Mrs. Billy J. McAlpine of San Antonio; and

Whereas, The other young man to be commended is Joe D. Thompson, Jr., a nineteen year old freshman student at the University of Texas; he is a sociology major and is working toward a Master's Degree in Social Work; he is the son of Mr. Joe D. Thompson, Sr. of Austin, Texas; now, therefore, be it

Resolved, That the Senate of the 62nd Legislature congratulate these fine young Texans on the outstanding job they have done as Assistant Sergeants-at-Arms in the Texas Senate; and express our sincere appreciation to them for their dedication to their duties; and be it further

Resolved, That copies of this Resolution be prepared for them and for their parents as an expression of our gratitude and our pride in them as examples of the finest representation of our youth.

#### HIGHTOWER

Signed—Lieutenant Governor Ben Barnes; Aikin, Bates, Beckworth, Bernal, Blanchard, Bridges, Brooks, Christie, Connally, Creighton, Grover, Hall, Harrington, Harris, Herring, Jordan, Kennard, Kothmann, Mauzy, McKool, Moore, Patman, Ratliff, Schwartz, Sherman, Snelson, Wallace, Watson, Wilson, Word.

The resolution was read.

On motion of Senator Herring and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Hightower the resolution was adopted.

#### Bills and Resolutions Signed

The President signed in the presence of the Senate after the caption had been read the following enrolled bills and resolutions:

H. B. No. 727.

H. B. No. 1691.

H. B. No. 1695.

H. B. No. 1701.

H. B. No. 1716.

H. B. No. 1711.

H. B. No. 1764.

H. B. No. 922.

H. B. No. 626.

H. B. No. 651.

H. B. No. 1001.

H. B. No. 50.

H. B. No. 26.

H. B. No. 1769.

H. B. No. 1741.

H. B. No. 1690.

H. B. No. 1642.

H. B. No. 796.

H. B. No. 1612.

H. B. No. 903.

H. B. No. 1002.

H. B. No. 1145.

H. B. No. 243.

H. B. No. 281.

H. B. No. 358.

H. B. No. 1710.

H. B. No. 1351.

H. B. No. 1491.

H. B. No. 1510.

H. B. No. 1890.

H. B. No. 1844.

H. B. No. 1864.

H. B. No. 156.

H. B. No. 1299.

H. B. No. 1613.

H. B. No. 1784.

H. B. No. 1793.

H. B. No. 1794.

H. C. R. No. 83.

S. C. R. No. 137.

S. B. No. 990.

S. B. No. 1032.

S. B. No. 801.

S. B. No. 400.

S. B. No. 584.

S. B. No. 993.

S. B. No. 1028.

S. B. No. 359.

S. B. No. 80.

S. B. No. 419.

S. B. No. 421.

S. B. No. 455 (signed, subject to the provisions of Article III, Section 49A, of the Constitution of the State of Texas).

S. B. No. 908.

S. B. No. 931.

#### House Bill 1744 on Second Reading

On motion of Senator Patman and by unanimous consent, the regular order of business and Senate Rules 35 and 36 were suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 1744, A bill to be entitled "An Act relating to the quail season in Victoria County; amending Section 1, Chapter 166, Acts of the 57th Legislature, Regular Session, 1961; and declaring an emergency."

The bill was read second time and passed to third reading.

#### House Bill 1744 on Third Reading

Senator Patman moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 1744 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Connally
Bates	Creighton
Beckworth	Grover
Bernal	Hall
Blanchard	Harrington
Bridges	Harris
Brooks	Herring
Christie	Hightower

Jordan	Schwartz
Kennard	Sherman
Kothmann	Snelson
Mauzy	Wallace
McKool	Watson
Moore	Wilson
Patman	Word
Ratliff	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### House Bill 1674 on Third Reading

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its third reading and final passage:

H. B. No. 1674, A bill to be entitled "An Act relating to time for payment and the requirement of a surety bond to secure payment by distributors for cigarette stamps and meter settings; etc.; and declaring an emergency."

The bill was read third time and was passed.

#### House Bill 1888 on Second Reading

On motion of Senator Hall and by unanimous consent, the regular order of business and Senate Rules 35 and 36 was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 1888, A bill to be entitled "An Act relating to the compensation of the 198th Judicial District; amending Subsections (a), Section 3.026, Judicial Districts Act of 1969 (Article 199a, Vernon's Texas Civil Statutes; and declaring an emergency."

The bill was read second time and passed to third reading.

#### House Bill 1888 on Third Reading

Senator Hall moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 1888 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Bates
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Beckworth	Kennard
Bernal	Kothmann
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word
Jordan	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### House Bill 1437 on Second Reading

On motion of Senator Brooks and by unanimous consent, the regular order of business and Senate Rules 35 and 36 were suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 1437, A bill to be entitled "An Act relating to eligibility of candidates for all elected public offices of cities of any class; repealing all laws and parts of laws in conflict with the provisions of this act to the extent of the conflict; providing for severability; and declaring an emergency."

The bill was read second time.

Senator Brooks offered the following Committee Amendment to the bill:

Amend H. B. No. 1437 by striking all of Section 2 and renumbering the subsequent sections accordingly.

The Committee Amendment was read and was adopted.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

#### Record of Vote

Senator Bernal asked to be recorded as voting "Nay" on the passage of the bill to third reading.

#### House Bill 1437 on Third Reading

Senator Brooks moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 1437 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

Nays—1

Bernal

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Record of Vote

Senator Bernal asked to be recorded as voting "Nay" on the final passage of the bill.

#### Suspension of Senate Rule 100 on House Bill 783

Senator Word moved that Senate Rule 100 be suspended as it applies to H. B. No. 783.

Question on the motion to suspend Senate Rule 100, "Yeas" and "Nays" were demanded.

The motion prevailed by the following vote:

Yeas—23

Aikin	Creighton
Bates	Grover
Blanchard	Hall
Bridges	Herring
Christie	Hightower
Connally	Jordan

Kothmann	Snelson
Moore	Wallace
Patman	Watson
Ratliff	Wilson
Schwartz	Word
Sherman	

## Nays—6

Beckworth	Kennard
Bernal	Mauzy
Harris	McKool

## Present—Not Voting

Brooks

## Absent

Harrington

## Report of Standing Committee

By unanimous consent, Senator Word submitted the following report for the Committee on Legislative, Congressional and Judicial Districts:

H. B. No. 783.

## House Bill 783 Ordered Not Printed

On motion of Senator Word and by unanimous consent, H. B. No. 783 was ordered not printed.

## Senate Resolution 1472

Senator Aikin offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, That Rule 28 of the Joint Rules adopted by the Senate and Senate Resolution No. 507 pertaining thereto be suspended to allow the following items in Senate Bill No. 11, the general appropriations bill, to be considered:

A. That Section 2 of Rule 28 is suspended to allow changes in amounts in the following items which are identical in both the Senate and the House versions of the bill:

1. In the Senate version at page IV-49, change amounts in item 10 (d), Laredo Center, to \$728,000 (1972) and \$875,000 (1973).

2. In the Senate version at page IV-55, Pan American University, change the amounts in item 4, Library, to \$332,493 (1972) and \$332,493 (1973).

3. In the Senate version at page IV-63, Panhandle-Plains Museum, change the amounts to those contained in the Conference Committee Report.

B. That Section 3 of Rule 28 is suspended to allow amounts to exceed

the larger or to be less than the smaller, of either the Senate or the House version of the bill:

1. In the Senate version at page I-1 through I-8 change item 2 in each Court of Civil Appeals to \$13,500 (1972) and \$14,500 (1973).

2. In the Senate version at page I-7 change item 4 for the Thirteenth Court of Civil Appeals to Stenographer III, 2 at \$6,000 in 1972 and \$6,408 in 1973, with line totals at \$12,000 (1972) and \$12,816 (1973).

3. In the Senate version at page I-4 change item 5 to Briefing Legal Clerks, 2 at \$8,500 each in 1972 and \$9,000 each in 1973.

4. In the Senate version at page I-8 change item 11, Supreme Court, to \$23,317 (1972) and \$22,317 (1973).

5. In the Senate version at page I-11 change item 2, Judiciary Section, Comptroller's Department, to \$550 per county not to exceed \$3,600 in any fiscal year and change the line item amounts to \$158,400 (1972) and \$158,400 (1973).

6. In the Senate version at page I-8, Supreme Court, change item 2 to \$14,500 (1972) and \$15,500 (1973). Also, change item 3 to \$12,500 in 1973.

7. In the Senate version at page I-9, Court of Criminal Appeals, change item 3 to \$14,500 (1972) and \$15,500 (1973). Also, change item 4 to \$12,500 (1973).

8. In the Senate version at page I-12 change item 12, Judiciary Section, Comptroller's Department, to \$550 per county, not to exceed \$3,600 in any fiscal year, and change the line item amounts to \$114,400 each year.

9. In the Senate version at page II-1, Health Department, change items 1 through 21 to those amounts contained in the Conference Committee Report.

10. In the Senate version at page II-8 change items I through 17 for the Department of Mental Health and Mental Retardation to those contained in the Conference Committee Report.

11. In the Senate version at page II-14 through II-28 change all line item salaries to conform with those contained in the Conference Committee Report.

12. In the Senate version at page II-29 through II-39, Texas Youth Council, change all line item salaries to conform to the amounts in the Conference Committee Report.

13. In the Senate version at page III-1 through III-147, Executive and Administrative Agencies and Depart-



ments, change all line item salaries to conform to the amounts contained in the Conference Committee Report.

14. In the Senate version at page III-60, Fine Arts Commission, change item 7 to \$75,000 each year.

15. In the Senate version at page III-63, Governor's Office, change all appropriation item amounts to those contained in the Conference Committee Report.

16. In the Senate version at page III-67, Hairdressers and Cosmetologists, change the agency to Texas Cosmetology Commission and cause all appropriation items to conform to those contained in the Conference Committee Report.

17. In the Senate version at page III-96, Admiral Nimitz Museum, change item 8 to \$65,000 (1972).

18. In the Senate version at page III-99, Parks and Wildlife, change all items to conform to the Conference Committee Report.

19. In the Senate version at page III-147, Department of Public Welfare, change all items to conform to the Conference Committee Report.

20. In the Senate version at page IV-1 through IV-68, change all line item salaries to conform to those contained in the Conference Committee Report.

21. In the Senate version at page IV-2 through IV-3, Vocational-Technical Education, change all line item amounts to conform with those in the Conference Committee Report.

22. In the Senate version at page IV-18, Public Junior Colleges—State Aid, change all line item amounts to those contained in the Conference Committee Report.

23. In the Senate version at page IV-24 through IV-68, change amounts in items designated "special items" to those amounts contained in the Conference Committee Report.

24. In the Senate version at page IV-43, change amounts in Specific Activities to those contained in the Conference Committee Report.

25. In the Senate version at page IV-66, change amounts in Special Repairs for Southwest Texas State University to \$648,909 in 1972.

C. That Section 4 of Rule 28 is suspended to allow amounts to exceed the sum specified for an item which appeared in only one version:

1. In the Senate version at page II-14 through II-27, add an item in each School and Hospital, Rio Grande Center and Vernon Center entitled

"Outreach Program" in the amounts contained in the Conference Committee Report.

2. In the Senate version at page IV-49, add an item for Corpus Christi Center Operation at \$125,000 (1972) and \$450,000 (1973).

D. That Section 5 of Rule 28 is suspended to allow the addition of the following items not included in either the House or Senate version of the bill:

1. In the Senate version at page II-5, add a new item immediately preceding the heading Tuberculosis Hospitals, for construction of a laboratory at San Antonio Tuberculosis Hospital, \$905,855 (1972).

2. In the Senate version at page II-9, add an item immediately following item 25 for cost of maintaining requirements of Medicaid, \$6,500,000 (1972).

3. In the Senate version at page II-9, add an item for conversion of tuberculosis facilities to Mental Health Mental Retardation facilities, \$200,000 (1972) and \$500,000 (1973).

4. In the Senate version at page II-13, add an item to the Mental Health Mental Retardation construction program for repair and renovation of buildings at Harlingen Tuberculosis Hospital, \$200,000 (1972).

5. In the Senate version at page II-13, add an item to Mental Health Mental Retardation construction program for Dallas Neuropsychiatric Institute, \$1,600,000 (1972).

6. In the Senate version at page II-28, add a new item "Houston-Galveston Drug Treatment Center", \$300,000 (1972) and \$300,000 (1973).

7. In the Senate version at page II-32, add a new item "Curb and gutter and storm sewer", for road at Brownwood State School, \$44,000 (1972).

8. In the Senate version at page II-36, add a new item "Dyslexia Program," \$50,000 (1972).

9. In the Senate version at page III-4, add new line items Chief, Airport Engineer, \$18,000 (1972) and \$18,500 (1973); Director, Air Carrier Regulation, \$17,500 (1972) and \$18,000 (1973); Assistant Director, Air Carrier Regulation, \$17,500 (1972) and \$18,000 (1973).

10. In the Senate version at page III-6, Department of Agriculture, new line items, Export Specialist, \$15,000 (1972) and \$16,000 (1973); and Cotton Insect Specialist, \$15,000 (1972) and \$16,000 (1973).

11. In the Senate version at page III-8, Department of Agriculture, add a new item for quarantine stations for livestock, \$750,000 (1972).

12. In the Senate version at page III-23, Attorney General, add a new item for enforcement of Federal Court Order No. 5281, \$72,752 (1972) and \$73,220 (1973).

13. In the Senate version at page III-31, Building Commission, add two new items, "Purchase of Stephen F. Austin Hotel for conversion to office space", \$375,000 (1972); "renovation of the same building", \$425,000 (1972).

14. In the Senate version at page III-35, Comptroller of Public Accounts, add a new item "For Administering Provisions of S. B. No. 245, 62nd Legislature", \$298,451 (1972) and \$189,271 (1973).

15. In the Senate version at page III-38, add a new item "Unemployment compensation", \$1,400,000 (1972).

16. In the Senate version at page III-40, Board of Control, add a new item "Compliance with S. B. 111 for elimination of barriers for handicapped persons," \$35,000 (1972).

17. In the Senate version at page III-46, Department of Corrections, add a new item "Additions and Remodeling at Ramsey Unit," \$200,000 (1972).

18. In the Senate version at page III-62, Good Neighbor Commission, add a new item "Deputy Director," \$14,000 (1972) and \$14,500 (1973).

19. In the Senate version at page III-71, add two new items, "For Highway Beautification Act," \$50,000 (1972) and \$50,000 (1973); and "For State Assistance to Political Subdivisions," \$250,000 each year.

20. In the Senate version at page III-80, Industrial Commission, add two new items, "Special Project," \$390,000 (1972); and "International Trade Project," \$150,000 each year.

21. In the Senate version at page III-81, Board of Insurance, add three new items, "Investigation of Health Claims," \$25,000 each year; "Per Diem and Expense of Advisory Committees," \$1,000 each year; and "Investigation of Matters of Public Interest Before the Board of Insurance," \$175,000 (1972).

22. In the Senate version at page III-87, General Land Office, change titles and amounts of all line item salaries to those in the Conference Committee Report.

23. In the Senate version at page III-96, Vocational Nurse Examiners, add a new item "Regional Examinations," \$3,000 each year.

24. In the Senate version at page III-135, add a new agency "Texas Vending Commission" with amounts as shown in the Conference Committee Report.

25. In the Senate version at page III-136, Water Development Board, add a new item "Research at Halfway Texas," \$10,000 each year.

26. In the Senate version at page III-141, Water Quality Board, add a new item, "Contracting with Coastal Bend Regional Planning Commission," \$80,000 (1972).

27. In the Senate version at page IV-17, add two new items, "Funding of S. B. 56," \$1,000,000 (1972) and \$3,000,000 (1973); "Texas Osteopathy Scholarships," \$150,000 each year.

28. In the Senate version at page IV-24 through IV-68, add new items to "Special Items" contained in the educational units as they appear in the Conference Committee Report.

29. In the Senate version at page IV-37, University of Texas Graduate School of Biomedical Sciences, add a new item, "Diversion of Communicative Disorders," \$250,000 each year.

30. In the Senate version at page IV-38, University of Texas Nursing School, add a new item "Planning and Development of New Student Programs and Facilities" \$250,000 (1972) and \$450,000 (1973).

31. In the Senate version at page IV-50, East Texas University, add a new item "Texarkana Center Operation," \$125,000 (1972) and \$450,000 (1973).

32. In the Senate version at page IV-53, Lamar University, add a new item "Orange Center Operation," \$125,000 each year.

33. In the Senate version at page IV-59, add a new item to Repairs and Renovation, "Renovation of the Junction Annex," \$250,000 each year.

34. In the Senate version at page IV-62, West Texas State University, add a new item "Other Repairs and Rehabilitation," \$243,000 (1972).

35. In the Senate version at page IV-69, Texas State Technical Institute, add a new item "Building Program, Sweetwater Campus," \$100,000 (1972) and \$50,000 (1973).

36. In the Senate version at page IV-68 following Sul Ross, add a new

listing for organized research as shown in the Conference Committee Report.

AIKIN  
SCHWARTZ  
CREIGHTON  
CHRISTIE  
WORD

The resolution was read and was adopted.

#### Conference Committee Report on Senate Bill 11

Senator Aikin submitted the following Conference Committee Report:

Austin, Texas,  
May 29, 1971.

Hon. Ben Barnes, President of the Senate.

Hon. G. F. Mutscher, Speaker of the House of Representatives.

Sirs: We, your Conference Committee appointed to adjust the differences between the House and the Senate on Senate Bill No. 11, have met and adjusted our differences, and recommend that it be passed in the form attached hereto.

Respectfully submitted,

HEATLY  
BRAECKLEIN  
LONGORIA  
SLACK  
SLIDER

On the part of the House.

AIKIN  
CHRISTIE  
CREIGHTON  
SCHWARTZ  
WORD

On the part of the Senate.

The Conference Committee Report was read and was adopted by the following vote:

Yeas—25

Aikin	Harris
Bates	Herring
Beckworth	Hightower
Bernal	Jordan
Bridges	Kennard
Brooks	Kothmann
Christie	Moore
Connally	Patman
Creighton	Schwartz
Hall	Sherman
Harrington	Snelson

Watson  
Wilson

Word

Nays—6

Blanchard	McKool
Grover	Ratliff
Mauzy	Wallace

#### Reason for Vote

I cast a "No" vote on adoption of the Conference Committee Report on Senate Bill No. 11. In casting this vote I do so with the utmost respect and admiration for Senator Aikin and the Senate Members of the Conference Committee. However, the priorities in the bill are such that I cannot endorse it. Also I cannot conscientiously vote to spend this amount of the money of the citizens of Texas for all the purposes set out therein.

WALLACE

#### Conference Committee Report on Senate Bill 11 Ordered Not Printed in Senate Journal

On motion of Senator Aikin and by unanimous consent the Conference Committee Report on S. B. No. 11 was ordered not printed in daily Senate Journal, but was ordered printed as a Supplement to the Senate Journal.

#### House Resolutions on First Reading

The following resolutions received from the House, were read the first time and referred to the Committees indicated:

H. C. R. No. 182, To Committee on Administration.

H. C. R. No. 191, To Committee on Jurisprudence.

#### Conference Committee Report on Senate Bill 51

Senator McKool submitted the following Conference Committee Report:

Austin, Texas,  
May 31, 1971.

Hon. Ben Barnes, President of the Senate.

Hon. Gus F. Mutscher, Speaker of the House of Representatives.

Sirs: We, your Conference Committee appointed to adjust the differences between the House and Senate on Sen-

ate Bill No. 51, have met and adjusted our differences and beg leave to recommend that Senate Bill No. 51 be passed in the form attached hereto.

Respectfully submitted,

McKOOL  
HARRINGTON  
HIGHTOWER

On the part of the Senate.

LEMMON  
BYNUM  
SCHULLE  
ATWOOD

On the part of the Senate.

S. B. No. 51,

A BILL  
TO BE ENTITLED

An Act providing for suspension of present laws and enactment of a system of voter registration entitling registrants to vote for a period of three years, with provisions for extension or renewal of registration for successive periods of three years; also providing certain rules and procedures for voting; containing penal provisions; amending the Texas Election Code as follows: amending Sections 14, 42a, 43a, 45a, 45b, 46a, 47a, and 48a (Articles 2.06, 5.10a, 5.11a, 5.13a, 5.13b, 5.14a, 5.15a, and 5.16a, Vernon's Texas Election Code); adding Section 48b; amending Section 50a (Article 5.18a); adding Sections 50b, 50c, and 50d; amending Subsection 1 of Section 51a (Article 5.19a); amending Sections 51b, 52a, and 53a (Articles 5.19b, 5.20a, and 5.21a); adding Section 54c; amending Sections 90 and 93 (Articles 8.08 and 8.11); amending Section 37 (Article 5.05) by adding Subdivision 2c; amending Subsections (4), (5), and (6) of Section 179a (Article 13.01a); suspending Sections 44a and 44b (Articles 5.12a and 5.12b); and repealing Section 55 (Article 5.23); making the enactment permanent upon the happening of either of certain stated contingencies, but providing for expiration of the enactment and reinstatement of the present law, with modifications, if neither contingency occurs; conditionally amending Sections 43a and 51b, Texas Election Code (Articles 5.11a and 5.19b, Vernon's Texas Election Code), and repeal-

ing Sections 44a and 44b, Texas Election Code (Articles 5.12a and 5.12b, Vernon's Texas Election Code); amending Section 40, Texas Election Code (Article 5.08, Vernon's Texas Election Code), by adding Subsection (m); and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Section 14, Texas Election Code (Article 2.06, Vernon's Texas Election Code), is amended to read as follows:

"14. Where to vote

"Except as permitted in Sections 48a and 50a of this code, all voters shall vote in the election precinct in which they reside."

Sec. 2. Section 42a, Texas Election Code (Article 5.10a, Vernon's Texas Election Code), is amended to read as follows:

"42a. Persons entitled to register

"A person is entitled to register as a voter in the precinct in which he has his legal residence (i.e., domicile), as defined in Section 40 of this code, if:

"(1) on the date of applying for registration he is a citizen of the United States and is subject to none of the disqualifications, other than nonage, stated in Section 33 of this code; and

"(2) within 30 days after applying for registration he will be 18 years of age or older and will have resided in the State for one year.

"However, no person may vote at any election unless he fulfills all the qualifications of an elector for that election."

Sec. 3. Section 43a, Texas Election Code (Article 5.11a, Vernon's Texas Election Code), is amended to read as follows:

"43a. Period for registration; period for which registration is effective

"Subdivision 1. A 'voting year' is a period of one year beginning on March 1 of each calendar year. Normally, a registration is effective for three successive voting years, as more fully stated in Subdivisions 2 and 3 of this section, subject to extension or renewal as provided in Section 50b of this code.

"Subdivision 2. The first voting year under this law begins on March 1, 1972. An initial registration period

under this law begins on October 1, 1971, and continues through January 31, 1972. Notwithstanding the provisions of Section 42a of this code, a person may register at any time during this period if he has already attained the qualifications required by Section 42a or will attain them before April 1, 1972. A registration during this period becomes effective on March 1, 1972, and continues in effect for the 1972, 1973, and 1974 voting years, subject to extension or renewal as provided in Section 50b of this code. On applications mailed to the registrar on or before January 31 but not received by the registrar until after that date, the registrar shall treat each application as having been made in accordance with Subdivision 3 of this section, with registration to become effective on the 31st day following its receipt.

"Subdivision 3. Beginning on February 1 after the close of the registration period provided for in Subdivision 2 of this section, registration shall be conducted at all times that the registrar's office is open for business. A registration on or after that date becomes effective on the 31st day following and is effective for the voting year in which that date falls and the succeeding two voting years, except that a registration on or after the first day of October and more than 30 days before the end of the voting year is effective for the remainder of that voting year and for the succeeding three voting years. Each registration is subject to extension or renewal as provided in Section 50b of this code. A person is deemed to have registered on the date that his application is received by the registrar.

"Subdivision 4. This subdivision states an exception to the rule stated in Subdivision 3 of this section in regard to the effective date of a registration. Any person who, at the time of applying for registration, comes within a category of persons eligible to vote by absentee ballot without regular registration through use of the federal post card application for absentee ballot, as provided in Subdivision 2a of Section 37 of this code, or who came within such a category at any time within six months before the date of his application, may register at any time, and the registration becomes effective for voting on the fifth day following issu-

ance of the registration certificate if the registrant is otherwise qualified to vote on that date."

Sec. 4. Section 45a, Texas Election Code, as amended (Article 5.13a, Vernon's Texas Election Code), is amended to read as follows:

"45a. Mode of applying for registration

"Subdivision 1. A person may apply for registration in person or by mail. Each applicant shall submit to the registrar of the county in which he resides a written application which supplies all the information required by Section 45b of this code. The Secretary of State shall prescribe the application form. He may prescribe one or more forms for use in counties using electronic data processing methods for issuing voter registration certificates and a different form for use in counties not using those methods, but the registrar in each county shall accept any application made upon any form prescribed by the Secretary of State which supplies all the necessary information for registration. In addition to other requirements, the application form shall contain the following statement: 'I understand that the giving of false information to procure the registration of a voter is a felony.' It shall also contain a space for recording the number of the voter's registration certificate.

"Subdivision 2. The application shall be signed by the applicant or his agent. However, if the person making the application is unable to sign his name either because of physical disability or illiteracy, he shall affix his mark, if able to do so, which shall be attested by a witness, whose signature and address shall be shown on the application. If a person making the application is physically unable to make a mark, the witness shall so state on the application.

"Subdivision 3. When a properly executed application is received by the registrar, he shall make out a registration certificate and shall either deliver the original certificate to the voter or his agent in person or shall mail it to the voter at his permanent address; or if the voter is temporarily living outside the county and requests that the certificate be mailed to the temporary address, the registrar shall mail it to the temporary address. When application is made in person, the registrar may make out and deliver the certificate immediately or he

may defer preparation of the certificate until a later time, to be mailed to the voter or held for delivery in person if the applicant so directs. If the certificate is mailed to the voter, the registrar shall mail it in time for the voter to receive it before the date on which it becomes effective for voting.

"Subdivision 4. The husband, wife, father, mother, son, or daughter of a person entitled to register may act as agent for such person in applying for registration, without the necessity of written authorization therefor, may sign for the applicant, and may receive the registration certificate. However, none of these persons may act as agent unless he is a qualified elector of the county. No person other than those mentioned in this subdivision may act as agent for a person in applying for registration. Except as permitted in this subdivision, a person who wilfully acts as agent for another in applying for registration or in obtaining a registration certificate is guilty of a misdemeanor.

"Subdivision 5. A registrar of voters who knowingly issues a registration certificate to a person other than the applicant or his lawful agent, or who knowingly mails or delivers a registration certificate to a person other than the applicant or his lawful agent, is guilty of a misdemeanor."

Sec. 5. Section 45b, Texas Election Code, as amended (Article 5.13b, Vernon's Texas Election Code), is amended to read as follows:

"45b. Information required on application

"An application for a voter registration certificate shall show the following information:

"1. The applicant's name, sex, and post-office address (or if living in an incorporated city or town, his street address).

"2. A statement of the applicant's age. If the applicant has not attained 21 year of age, the application shall show his date of birth by month, day and year. If the applicant has already attained the age of 21 years, it is sufficient for the applicant to state that he is over that age. In lieu of showing the applicant's age in terms of a number of years, age may be shown by stating the date of birth; and in case that form of statement is called for on the application, it is sufficient for an applicant who has

attained 21 years of age to state the year of his birth without giving the month and day, or to state that he was born prior to a certain year which shows him to be over that age.

"3. If the applicant is under 21 years of age, whether the applicant is or has been married or has had the disabilities of minority removed by court action; and if not, the name and address of the applicant's parents or other person standing in loco parentis.

"4. The applicant's occupation. The application form shall also contain a space for the applicant to check the appropriate item of information if he is in active military service or is enrolled as a student in a school, college, or university.

"5. A statement that the applicant has resided in the State more than one year, in the county more than six months, and in the city or town (if a resident of an incorporated city or town) more than six months immediately preceding the date of application; or if not a resident for such length of time, a statement of the date on which he became a resident of the State, county, or city, as the case may be.

"6. A statement that the applicant is a citizen of the United States.

"7. If the applicant was registered in any other county of this State within the preceding three years, the name of the county in which he was registered and his last residence address in that county.

"8. If the application is made by an agent, a statement of the agent's relationship to the applicant.

"The application form shall contain a space for showing the address to which the certificate is to be mailed, if it is to be mailed to a temporary address. It shall also contain a space for showing the election precinct in which the applicant resides, but an application shall not be deficient for failure to list the number or name of the precinct or for listing an incorrect number or name where the applicant's correct address is given. It may also contain a space for the applicant's social security number and telephone number, but an application shall not be deficient for failure to list these numbers."

Sec. 6. Section 46a, Texas Election Code (Article 5.14a, Vernon's Texas Election Code), is amended to read as follows:

46a. Registration certificate forms; information required on certificate

"Subdivision 1. Upon receiving the application of a voter who is entitled to register, the registrar shall prepare a voter registration certificate for the voter on a form prescribed by the Secretary of State. The Secretary of State may prescribe one or more forms for use in counties using electronic data processing methods for issuing certificates and a different form for use in counties not using those methods. The form shall be prepared in duplicate. The original shall be issued to the voter and the duplicate copy shall be retained by the registrar for his use in making up the list of registered voters and in maintaining a numerical record of the certificates issued.

"Subdivision 2. The registration certificates for each county shall be serially numbered, beginning with No. 1 for registrations for each voting year, and the numbers shall be preceded by a letter or combination of letters to indicate the voting year, beginning with the letter A and proceeding in alphabetical order for each new voting year (i.e., the numbering shall begin with No. A-1 for the first year, with No. B-1 for the second year, No. AA-1 for the 27th year, and so on). The date on which the certificate is issued shall be shown on the certificate, but no date indicating the duration of its effectiveness shall be shown.

"Subdivision 3. Each certificate shall show the voter's name, age, address, election precinct number, a place for the voter's signature, and the date on which the certificate is issued. The certificate may also show other information which is furnished on the application, at the option of the registrar. It shall contain or be accompanied by a written instruction to the voter that the certificate is to be signed by the voter personally immediately upon receipt, if the voter is able to write his name.

"Subdivision 4. At the time he prepares the registration certificate, the registrar shall enter the registration certificate number in the appropriate space on the voter's application for registration.

"Subdivision 5. When under any provision of this code the registrar is directed to make a change or correction on a registration certificate, in his discretion he may issue a re-

placement certificate to the voter instead of making the change or correction on the existing certificate."

Sec. 7. Section 47a, Texas Election Code, as amended (Article 5.15a, Vernon's Texas Election Code), is amended to read as follows:

"47a. Registration record sheets; registration files

"Subdivision 1. As soon as practicable after a registration certificate is issued, the registrar shall make up for the voter a registration record sheet, on a form prescribed by the Secretary of State. The record sheet shall bear the same serial number as the registration certificate and shall show the voter's name, permanent residence address, and election precinct number, and optionally the voter's social security number and telephone number. It shall also show the voter's temporary address if one is shown on his application. The form shall contain suitable space for recording change of residence, transfer of registration to another election precinct, a record of the elections at which the voter votes, and information pertinent to cancellation of registration.

"Subdivision 2. (a) As they are made up, the registration record sheets shall be filed alphabetically by election precincts in an active registration record file, and they shall remain in that file as long as the registration continues in effect.

"(b) The registrar shall also maintain an inactive registration record file, which shall be arranged in alphabetical order for the entire county. The registrar shall place into this file the record sheet for each voter whose registration is cancelled. When a registration is cancelled, the registrar shall enter on the record sheet the date of cancellation and the reason. The record sheet shall be kept in the inactive file for a period of two years from the date of cancellation, after which it may be destroyed.

"Subdivision 3. (a) The applications on which registration certificates are issued shall be filed alphabetically for the entire county in an active application file and shall remain in that file as long as the registration continues in effect.

"(b) The registrar shall also maintain an inactive application file, which shall be arranged in alphabetical order for the entire county. The registrar shall place into this file all applications which are rejected. He

shall also transfer to the inactive file the application of each voter whose registration is cancelled. The registrar shall enter on the application form the date on which the registration is rejected or the date on which the registration is cancelled before filing an application in the inactive file. The application shall be kept in the inactive file for a period of two years from the date of rejection or cancellation, after which it may be destroyed.

"Subdivision 4. (a) After the registrar adds a voter's name to the list of registered voters from the duplicate registration certificate, he shall file the duplicate in an active duplicate registration certificate file. An active file for each voting year shall be maintained in numerical order for the entire county.

"(b) When a registration is cancelled, the registrar shall enter the date of cancellation on the duplicate certificate and shall transfer it to an inactive file arranged numerically for each voting year. The duplicate shall be kept in the inactive file for a period of two years from the date of cancellation, after which it may be destroyed.

"Subdivision 5. Applications and duplicate registration certificates may be removed from the registrar's office temporarily, under proper safeguards, for use in preparing registration certificates, lists of registered voters, and other registration papers by electronic data processing methods, but they may not be removed for any other purpose. Except as permitted in the preceding sentence, the applications, the duplicate registration certificates, and the registration record sheets shall be kept in the registrar's office at all times in a place and in such a manner as to be properly safeguarded. The files shall be open to public inspection at all times during regular office hours of the registrar, subject to reasonable regulations and to proper safeguards against alteration, mutilation, or removal.

Sec. 8. Section 48a, Texas Election Code (Article 5.16a, Vernon's Texas Election Code), is amended to read as follows:

"48a. Correction of errors on certificates; lost certificates

Subdivision 1. Correction of error. When after issuance of a registration certificate it is discovered that an error has been made in filling out

the blanks on the certificate through mistake of the registrar or through mistake of the voter in supplying the information, the voter may present the certificate to the registrar for correction and the registrar shall correct the information on the original certificate and on the registration records on file in his office.

"Subdivision 2. Error in election precinct. Except as permitted in Section 50a of this code, no person is entitled to vote in a precinct of which he is not a resident and an election officer shall not knowingly permit a voter to do so. However, where a voter is erroneously registered in a precinct in which he does not reside and the election officer permits him to vote without knowing of the erroneous registration, in an election contest a ballot cast in that precinct shall be given effect as to any offices or propositions on which the voter would have been entitled to vote in the precinct in which he resides unless it is proved that the voter intentionally gave false information to procure his registration in the wrong precinct, in which event the ballot is void for all purposes.

"If an error in the election precinct has not been corrected on the certificate at the time the voter offers to vote at an election, he may vote in the precinct of his residence, if otherwise qualified, by making and leaving with the presiding judge of the election an affidavit that he is a bona fide resident of that precinct and qualified to vote at that election, and that the error on the certificate was not caused by an intentional misrepresentation on his part.

"Subdivision 3. Name omitted from list of registered voters. Where a voter's name is not shown on the precinct list of registered voters but the voter presents his registration certificate showing him to be registered in that precinct, the election officers shall permit him to vote and shall add his name, address, and registration certificate number to the list.

"Subdivision 4. Challenge of voter. Where a voter who does not present his registration certificate to the election officers claims to be registered in the precinct where he offers to vote, or claims to be erroneously registered in some other precinct, the presiding judge, if not satisfied as to his right to vote, may refuse to accept him unless he complies with the



provisions of this code relative to challenge of a voter at the polling place. Where a voter claiming to be registered in the precinct is accepted, the presiding judge shall add the voter's name and address to the list of registered voters, with the notation that he voted on an affidavit of a lost certificate.

"Subdivision 5. Correction of registration records. Within 10 days after the election, the officer to whom the lists of registered voters is returned shall notify the registrar of any additions which the election officers made to the list of registered voters. within the same period, the officer to whom the affidavit of erroneous election precinct is returned shall notify the registrar of the names and other information contained on the affidavits used in the election. The registrar shall take the necessary steps to verify and correct the registration records, including a recall of the original registration certificates for correction where necessary. If the registrar finds that a person who voted is not registered, he shall report the matter to the prosecuting attorney.

"Subdivision 6. Replacement of lost certificate. If a voter to whom a registration certificate has been issued presents to the registrar his affidavit that the certificate has been lost or destroyed, the registrar shall issue to the voter a replacement certificate as a single-copy document, showing the same registration number and the same information as shown on the original certificate. The registrar shall make a notation on the face of the certificate showing it to be a replacement. He shall attach the affidavit to the voter's application.

"A person who makes an affidavit that a registration certificate has been lost or destroyed, knowing the affidavit to be false, is guilty of a misdemeanor.

"Subdivision 7. Voting on affidavit of lost certificate. Notwithstanding Subdivision 6 of this section, a voter whose registration certificate has been lost or destroyed may vote without obtaining a replacement, upon making and leaving with the election officers an affidavit of loss as provided elsewhere in this code."

Sec. 9. The Texas Election Code is amended by adding Section 48b, to read as follows:

"48b. Abolition of precinct or alteration of boundary

"In the event the precinct in which a registered voter resides is abolished or has its boundary altered, the registrar shall change the voter's registration records to show him to be registered in the proper precinct and shall mail a notice of the change to each voter affected, instructing him to make the change on his registration certificate. If the registrar is unable to determine the proper precinct of a voter from the information on the application, he shall mail a request to the voter for such additional information as will enable him to determine the proper precinct, and until the information is received he shall not place the voter's name on the list of registered voters for any precinct."

Sec. 10. Section 50a, Texas Election Code as amended (Article 5.18a, Vernon's Texas Election Code), is amended to read as follows:

"50a. Change of residence; cancellation or transfer of registration

"Subdivision 1. Change of residence within precinct. A registered voter who changes his place of residence within the election precinct shall give written notice to the registrar of the change of address and present his registration certificate to the registrar. The registrar shall make the necessary change on the certificate and on the registration records in his office and shall return the certificate to the voter. He shall attach the notice to the voter's application, and shall change the address on the list of registered voters when he prepares the next annual list.

"Subdivision 2. Change of residence to another precinct within county. A registered voter who changes his residence to another election precinct within the county may vote in the precinct of his former residence, if otherwise qualified, during the first 30 days after the removal, but not thereafter, in any election other than an election which is subject to Section 35 of this code. If he obtains a transfer of his registration to the precinct of his new residence during the 30-day period, he may vote only in the precinct of his new residence after the fourth day following the transfer. He may not vote in the precinct of his new residence before the fifth day following the transfer.

"To obtain a transfer of his registration, the voter shall present his registration certificate to the registrar with a written, signed request that his registration be transferred to the precinct of his new residence. Upon receiving a request for transfer, the registrar shall make the necessary changes on the registration certificate and on the registration records in his office and shall return the certificate to the voter. He shall attach the request to the application and shall transfer the registration record sheet to the file for the precinct of the voter's new residence.

"Subdivision 3. Change of residence to another county. A registered voter who moves from one county to another within the state must reregister in the county of his new residence in the same manner as an initial registrant. However, during the first six months after removal the voter may vote a limited ballot, as provided in Section 37c of this code, by either presenting a current registration certificate issued in the county of his former residence or making an affidavit that it has been lost or misplaced.

"Subdivision 4. Notification to registrar in county of former residence. Between March 1, 1972, and February 28, 1975, when the registrar receives an application for registration of a voter who was registered in some other county for any period of time after March 1, 1972, he shall notify the registrar of that county, giving him the voter's name, former residence address, and present residence address. Thereafter, when the registrar receives an application of a voter who was registered in some other county within the preceding three years, he shall notify the registrar of that county. Upon receipt of the notice, the registrar of the county wherein the voter was formerly registered shall cancel the registration in that county.

"Subdivision 5. (a) Before March 1, 1972, the registrar in each county shall take the necessary steps to have each postmaster in his county furnish him with the residential change-of-address information service available to election boards and registration commissions under United States Post Office Department regulations. The registrar shall request the information on all residential mail patrons within the county, retroac-

tive to the date which the registrar deems suitable, but not earlier than October 1, 1971, to enable him to correct the registration records on voters who have moved after registering for the voting period which begins on March 1, 1972. He shall request that the information thereafter be furnished on a monthly basis, and from time to time he shall take whatever action is necessary to keep the request for this service in an active status at all times. Immediately after this section takes effect, the Secretary of State shall issue instructions to each registrar on how to proceed to obtain the service.

"(b) Except as provided in Paragraph (c) of this subdivision, the registrar and his employees may not use or permit any other person to use the information received from the post office for any purpose other than correcting the registration records and lists of registered voters maintained in his office. A violation of this provision is a misdemeanor.

"(c) Where a post office serves patrons living in more than one county, the postmaster and the registrars of the different counties shall agree upon an arrangement for furnishing all the change-of-address cards to one or the other of the registrars or for separating the cards and furnishing them to the several registrars in accordance with a stipulated plan. Within 30 days after a registrar receives the cards from the post office, he shall transcribe the information with respect to each person who resides in a different county onto a form prescribed by the Secretary of State, or shall duplicate or reproduce the information in some other manner agreeable to the postmaster and approved by the Secretary of State, and shall forward it to the registrar of the county in which the person resides. Each registrar shall assemble the necessary data to enable him to determine with reasonable accuracy in which county a person lives from his street address or rural route address. Where the patron was receiving his mail at a post-office box, the registrar receiving the information initially shall check his files to identify the patron as a registered voter insofar as he is able to do so, and shall forward the change-of-address information on all unidentified patrons to the registrar of the other county. He shall also follow this procedure in other doubtful cases.

"(d) If a person requesting a permanent change of address is registered as a voter, or where the change of address is requested for an entire family, if any other person having the same surname and address is registered, the registrar shall send a notice to each such person at the address on the registration record and at the new address furnished on the change-of-address form, requesting him to verify his current residence address and informing him of the necessity for changing the registration records if there has been a change in his legal residence. The notice shall state that the voter's registration will be cancelled if the registrar does not receive a reply within 30 days from the date on which the notice is mailed. If the voter replies to the notice, the registrar shall take the appropriate action indicated by the reply. If no reply is received, the registrar shall cancel the registration and shall notify the voter of the cancellation by registered or certified mail at the address given on the change-of-address form with a return receipt requested. The registrar shall reinstate the registration if within 30 days after the cancellation the voter furnishes information showing that he is still eligible for registration in that county. The notice of cancellation shall inform the voter of this right to reinstatement.

"(e) Where a postal patron was receiving his mail at a post-office box rather than a street address or a rural route address, the registrar shall undertake to identify the patron as a registered voter by checking the alphabetical precinct or county files for the same or a similar name. Where more than one person of the same or similar name is registered, the registrar shall use his discretion in pursuing his effort to identify the patron.

"(f) The Secretary of State shall keep the registrars informed of any changes in postal regulations which affect the procedures for utilizing the change-of-address service as a means for updating the registration records. If a change in postal regulations makes any of the procedures outlined in this subdivision impracticable, the Secretary of State is authorized to devise new procedures and to issue directives putting them into effect, with a view to utilizing the service in the most effective manner to obtain the full benefit of the information furnished.

"Subdivision 6. The Secretary of State shall prescribe forms for the various documents required by this section. However, the registrar may also accept and use forms other than those prescribed by the Secretary of State."

Sec. 11. The Texas Election Code is amended by adding Sections 50b, 50c, and 50d, to read as follows:

"50b. Extension or renewal of registration by voting or by request for renewal; cancellation for failure to renew

"Subdivision 1. Beginning with the elections held during the 1972 voting year, whenever a registered voter votes in a primary or general election for nomination or election of State and county officers, his registration is automatically extended or renewed for the succeeding three voting years unless, prior to the beginning of the first succeeding year, the registration is cancelled under some provision of this code.

"Within 30 days after each second (runoff) primary for nomination of State and county officers, the presiding officer of the county committee, board, or other body which is responsible for furnishing supplies for the primary elections of each political party shall deliver to the registrar the lists of registered voters used at the party's general primary and runoff primary in each election precinct in the county, marked to show the names of persons who voted at the election as provided elsewhere in this code. Within 30 days after the date of each general election for State and county officers, the county clerk shall deliver to the registrar the lists of registered voters used at the general election, marked to show the names of persons who voted at the election. From these lists, the registrar shall make a record on the registration record sheets of the voters who voted at these elections and shall extend or renew their registrations for the succeeding three voting years. The registrar shall preserve the lists for a period of four years following the close of the voting year in which the election occurred.

"Subdivision 2. Before the first day of January each year, the registrar shall examine the registration records to determine which registrations expire at the end of that voting year. Not earlier than November 15 and not later than January 15, he shall mail to each person whose registration is

expiring, at the permanent address shown on the registration record and also at the temporary address if one is shown, a notice that it will be necessary for him to reregister if he wishes to vote at elections to be held on or after the following March 1, but that he may reregister for the succeeding three voting years by returning the notice to the registrar, with his signed statement thereon that he is still a qualified elector of the county, together with any change of address or other information necessary to bring his registration record up to date. The Secretary of State shall prescribe the form of the notices and request for reregistration referred to in this section.

"Subdivision 3. The notice referred to in Subdivision 2 of this section shall be marked with a direction to the postal authorities not to forward it to any other address and to return it to the registrar if the addressee is no longer at that address, with the reason for nondelivery and address correction information to be furnished to the registrar. The registrar may make whatever arrangements with the postal authorities which he deems suitable for handling the payment for the address correction service. When a notice is returned undelivered, with information that the voter has moved to a new address, the registrar shall send the registrant another notice by non-forwardable mail to the new address, if it is within the county, informing him that he may reregister by returning the notice, as stated in Subdivision 2 of this section. If the new address is outside the county, the registrar shall send the registrant another notice by nonforwardable mail to the new address, informing him that his registration will be cancelled unless he furnishes the registrar with information showing that he is still entitled to registration in the county but that he may reregister by returning the notice if he is still entitled to registration in the county.

"Subdivision 4. If the registrar receives a request for reregistration on or before the 31st day preceding the beginning of the succeeding voting year, he shall renew the registration effective on March 1 for the succeeding three voting years. On requests received after that date, the reregistration becomes effective on the 31st day after receipt. The registrar shall

make a notation of the reregistration on the voter's registration record sheet and shall attach the request to the voter's application.

"Subdivision 5. Immediately after the 31st day preceding the end of each voting year, the registrar shall place into a suspense file the application and registration record sheets of the voters whose registration expires at the end of that year and who have not returned a request for reregistration. Where a request is received after that date, the registrar shall return the application and record sheet to the active file. During the month of January in the following year, the registrar shall close out the suspense file. He shall cancel the registration of each person whose records are in the file and shall send him a notice of the cancellation.

"Subdivision 6. Except where reinstatement of a cancelled registration is expressly provided for, a voter whose registration is cancelled must reregister in the same manner as an initial registrant.

"50c. Cancellation of registration upon death or judicial determination of disqualification

"Subdivision 1. Not later than the 10th day of each month, each local registrar of deaths in this State shall furnish to the registrar of voters of the county of residence of the decedent an abstract of the death certificates of each decedent over the minimum voting age who was a resident of this State at the time of his death. The abstract shall show the name, age, sex, place of residence, and date and place of death of the decedent. Upon receipt of an abstract, the registrar of voters shall determine if the decedent was a registered voter and, if so, shall cancel his registration.

"Subdivision 2. Not later than the 10th day of each month, the clerk of each county court or probate court in this State shall furnish to the registrar of voters of the county of residence of the person so adjudged, an abstract of each final judgment adjudging a person over the minimum voting age and resident within this State to be mentally incompetent or to be mentally competent. The abstract shall show the person's name and permanent address and any other available information which will assist in identifying the person in the

voter registration files. Upon receipt of an abstract of an adjudgment of mental incompetence, the registrar shall determine if the person is a registered voter and, if so, shall cancel his registration. Upon receipt of an abstract of an adjudgment of mental competence, the registrar shall examine the extant cancelled registration files to ascertain whether the person was previously registered and whether his registration would still be current except for the cancellation upon his being adjudged incompetent, and if so, the registrar shall reinstate the registration.

"Subdivision 3. Not later than the 10th day of each month, the clerk of each court having jurisdiction of the trial of felony crimes shall furnish to the registrar an abstract of each unappealed conviction for a felony crime and of each final conviction in appealed cases. The registrar shall determine if the person convicted is a registered voter and, if so, shall cancel his registration.

"Subdivision 4. The reports required under Subdivisions 1, 2, and 3 of this section apply to deaths occurring, judgments of mental competency or incompetency entered, and felony convictions returned on and after October 1, 1972. The Secretary of State shall prescribe the forms for the abstracts required by Subdivisions 1, 2, and 3 of this section. The registrar of voters shall keep a supply of the forms on hand and upon request shall furnish blank forms to the officers in his county who are required to use them.

"Subdivision 5. Upon receipt of a certified copy of a final judgment in an election contest proceeding adjudging a registrant not to be a qualified voter, the registrar shall cancel his registration.

"Subdivision 6. Whenever a registration is cancelled under Subdivision 2, 3, or 5 of this section, the registrar shall immediately mail a notice of the cancellation to the registrant at the permanent address shown on his registration record and also to the temporary address if one is shown. If subsequent to the cancellation of a registration under any provision of this section it is ascertained that the registration should not have been cancelled, the registrar shall reinstate it.

"50d. Change of name

"Subdivision 1. A registered voter who changes his name through marriage or judgment of a court shall present his registration certificate to the registrar, with a signed request that his name be changed on the registration records. The registrar shall issue a new certificate to the voter under his new name and shall transfer the duplicate of the old certificate to the inactive file. He shall change the registration record sheet to show the new name and certificate number and shall file it under the new name. He shall attach the request to the voter's application and enter the number of the new certificate on the application, and shall file both documents under the new name. He shall make a notation of the former name on the duplicate certificate and shall delete it from the list of registered voters when he adds the new name.

"Subdivision 2. If otherwise qualified, a voter whose name is changed is eligible to vote under the new registration at any election held more than four days after the registrar makes the change on the registration records. He may vote under the former registration at any election held within four days after the new registration, upon making an affidavit that his certificate of registration under the former name has been surrendered to the registrar. The voter shall sign the form for the affidavit of a lost certificate, and the election officer shall add a notation in explanation of the circumstances."

Sec. 12. Subsection (1), Section 51a, Texas Election Code, as amended (Article 5.19a, Vernon's Texas Election Code), is amended to read as follows:

"(1) Before the first day of March each year, the registrar shall prepare for each election precinct of the county a certified list of registered voters who, as of the 31st day before March 1 (as of January 31, 1972, for the list prepared in 1972), are entitled to registration for the voting year in which March 1 falls. Each precinct list shall be prepared in two parts, each arranged alphabetically by the names of the voters and showing each voter's name, age, address, and registration number, and optionally his telephone number. On the first part of the original list shall be shown the names of voters who are qualified to vote in all elections

as of March 1. On the second part shall be shown the names of voters who are not yet qualified to vote in all elections as of March 1. This list shall contain four columns, headed as follows:

Not eligible to vote before date shown	U. S. Repre-	State Elections
sentative	Statewide	County City

For the various types of elections in which the voter is not yet eligible to vote, the registrar shall show the date on which he will become eligible. The registrar shall deliver to each board, executive committee, or other authority having the duty of furnishing supplies for any general, special, or primary election to be held within the county during the voting year for which the list is prepared, one set of such lists for all precincts in the county if any election which may be held by such authority is countywide, and one set of such lists for all precincts wholly or partially within the boundaries of the particular political subdivision if all elections which may be held by such authority are less than countywide. The registrar shall also furnish to each such authority, not less than 20 days before each election, an updated consolidated list of the voters in each precinct who will have been registered for 30 days on the day of the election and whose names do not appear on the original list. When a runoff election is held, before the first day of absentee voting in the runoff election the registrar shall prepare a consolidated list of the voters who will have been registered for 30 days on the day of the election and whose names do not appear on the original list or the supplemental list prepared for the first election. Between the fourth day before the election and election day in each election, he shall furnish a separate list of the voters who transfer their registration more than four days before the election and who are not included in a previous list. The supplemental lists shall be prepared in two parts, in the same form as the original lists. With each supplemental list the registrar shall also furnish a list of persons whose registration has been cancelled or transferred to another precinct since preparation of the last set of lists. The authority shall furnish to the presiding judge in each precinct the original and

supplemental lists of voters in his precinct at the time it furnishes other election supplies. Prior to the opening of the polls, the presiding judge shall strike from the registration list the names of persons whose registration has been cancelled or transferred to another precinct."

Sec. 13. Section 51b, Texas Election Code (Article 5.19b, Vernon's Texas Election Code), is amended to read as follows:

"51b. Reimbursement of county by State

"Subdivision 1. Before April 1 of each year, the registrar shall submit to the Comptroller of Public Accounts a certified statement of the total number of registered voters shown on the precinct registration lists as of March 1 of that year, together with the total number of registration certificates which were issued during the 12-month period ending January 31 of the year in which the statement is submitted.

"Subdivision 2. Before June 1 of the year in which the statement is submitted, the Comptroller shall issue a warrant to each county in the aggregate of the following amounts:

"(1) 40 cents multiplied by the total number of new certificates, and

"(2) 20 cents multiplied by the difference between the total number of registered voters and the total number of new certificates issued, as shown by the certified statement required by Subdivision 1 of this section. However, before issuing a warrant the Comptroller may require additional proof to substantiate the statement.

"Subdivision 3. The disbursements prescribed by this section shall be made from the general revenue fund as provided by legislative appropriations. All money received by a county under this section shall be deposited in the county treasury in a special fund to be used for defraying expenses of the registrar's office in the registration of voters. None of the money shall be deemed to be fees of office or be retained by the registrar as fees in counties where the registrar is compensated on a fee basis."

Sec. 14. Section 52a, Texas Election Code (Article 5.20a, Vernon's Texas Election Code), is amended to read as follows:

"52a. Deputy registrars

"Subdivision 1. The registrar may have such number of duly authorized and sworn deputies as he deems necessary to assist in the registration of voters. However, no deputy may be paid for his services except with the approval of the commissioners court. An unpaid deputy shall not be required to give a bond in connection with his services.

"Subdivision 2. It is the intent of the Legislature that the registrar shall establish a sufficient number of registration places throughout the county, and outside the county courthouse, for the convenience of persons desiring to register, to the end that registration may be maintained at a high level.

"Subdivision 3. Where the performance of the services is not contrary to some other provision of law, the head of any department of the state government, with the approval of the governing board where one exists, any county officer, and the head of any department of a city, town, or village, with the approval of the municipal governing board, may permit any of the officers and employees under his control to become deputy registrars of voters and to register persons on any premises and facilities under his control during the regular working hours of the deputized officer or employee.

"Subdivision 4. It is also the intent of the Legislature that the registrar, in order to promote and encourage voter registrations, shall enlist the support and cooperation of interested citizens and organizations, and shall deputize as registrars qualified citizens in such a way as to cover most effectively every section of the county. The persons so deputized shall be permitted to register voters anywhere within the county and to secure registrations at the places of residence of the persons to be registered, and the registrar shall not deny deputy registrars the right to register voters in accordance with this authorization.

"Subdivision 5. No voter registrar shall refuse to deputize any person to register voters because of race, creed, color, or national origin or ancestry. No bona fide resident of the county of good moral character shall be excluded from serving as deputy by the registrar."

Sec. 15. Section 53a, Texas Election Code (Article 5.21a, Vernon's Texas Election Code), is amended to read as follows:

"53a. Statement of registrations

"On or before March 5 of each year, the registrar shall make a statement to the Secretary of State and to the county clerk of the number of registered voters in each precinct as shown by the list of registered voters on March 1. The statement shall become a record of the officer to whom the statement is made."

Sec. 16. The Texas Election Code is amended by adding Section 54c, to read as follows:

"54c. Penalty for misdemeanor offenses

"Unless some other penalty is expressly stated, each offense which is declared to be a misdemeanor by any provision of this chapter is punishable by a fine of not more than \$1,000."

Sec. 17. Section 90, Texas Election Code (Article 8.08, Vernon's Texas Election Code), is amended to read as follows:

"90. Procedure for accepting voter; signature roster

"Subdivision 1. An election officer shall receive from the voter his registration certificate, when he presents himself to vote. If the voter has lost or mislaid his certificate or left it at home, he shall make an affidavit of that fact. The election officer shall announce the voter's name in an audible voice and shall ascertain that his name appears on the list of registered voters or shall satisfy himself, in the manner stated in Section 48a of this code, that the voter is a registered voter and is entitled to vote in that precinct. He shall then require the voter to sign the signature roster provided for in Subdivision 3 of this section. If the voter has presented his registration certificate, the election officer shall compare the signature on the roster with the signature on the certificate to see that it is the same. If he finds that the signatures do not correspond, he shall not allow the voter to vote unless the voter complies with the procedure prescribed in Section 91 of this code for acceptance of a challenged voter.

"Subdivision 2. When a voter is accepted for voting, the election officer



shall place a notation on the list of registered voters showing that he has voted and shall enter the voter's name on the poll list. The names on the poll list shall be entered in the same order as the names on the signature roster. The officer shall return the registration certificate to the voter and shall allow him to select his ballot. The voter shall then immediately retire to a voting booth or a place prepared for voting by the election officers, and there prepare his ballot in the manner provided by law.

"Subdivision 3. There shall be kept at each polling place a signature roster of persons offering to vote at the election. Each person offering to vote shall sign the roster if he is able to do so. If a voter is unable to sign his name, an election officer shall enter the voter's name on the roster and shall make a notation of whether the voter is unable to sign because of physical disability, blindness, or illiteracy. If a person is rejected for voting after signing the roster, the presiding judge shall make a notation of that fact by the person's name, stating the reason for the rejection. After the election is over, the signature roster shall be returned with the copy of the poll list which is intended for public inspection and shall be preserved under the same rules as the poll list."

Sec. 18. Section 93, Texas Election Code, as amended (Article 8.11, Vernon's Texas Election Code), is amended to read as follows:

"93. Delivery of ballot

"Subdivision 1. After all defectively printed ballots have been removed, the presiding judge shall cause his signature to be placed on the back of each ballot to be used at the election. The ballots may be signed by the presiding judge in his own handwriting, or they may be stamped with a facsimile of his signature by the presiding judge or by another election officer under his direction. Where a stamp is used, the presiding judge shall take the necessary precaution to see that the stamp is properly safeguarded at all times so that no unauthorized use may be made of it.

"Subdivision 2. After the signature of the presiding judge is placed on the back of the ballots, one of the election officers shall thoroughly disarrange and mix the ballots so that they no

longer are in consecutive numbered sequence or in any sequence of arithmetic or geometric progression, and then place the ballots face down in a stack or stacks from which each voter shall be allowed to take his own ballot without the number being known to or written down in any manner by an election officer."

Sec. 19. Section 37, Texas Election Code, as amended (Article 5.05, Vernon's Texas Election Code), is amended by adding Subdivision 2c, to read as follows:

"Subdivision 2c. Comparison of signatures. Before furnishing a ballot to an absentee voter who presents his registration certificate with his application, the clerk shall compare the signature on the application with the signature on the certificate. If he finds that the signatures do not correspond, he shall not furnish a ballot to the voter unless the voter complies with the procedure prescribed in Section 91 of this code for acceptance of a challenged voter. In each instance, both on applications made by mail as well as those made by personal appearance, the clerk shall inform the voter of the ground of the challenge and the procedure necessary to enable the voter to obtain a ballot. Where application is by mail, the clerk shall mail a notice to the voter on the same day that the comparison is made."

Sec. 20. Subsections (4), (5), and (6), Section 179a, Texas Election Code, as amended (Article 13.01a, Vernon's Texas Election Code), are amended to read as follows:

(4) An applicant for party affiliation shall become a qualified member of a political party which is holding primary elections when he has voted within that party's primary or has taken part in a convention of that party prior to a primary. At the head of the signature roster for each primary election there shall be printed the following statement: 'I swear that I have not voted at a primary election or participated in a convention of any other political party during this voting year.' The presiding judge or another election officer designated by him shall place each voter under oath and require him to swear to this statement before he signs the roster. The presiding judge shall issue to each voter in a general primary elec-



tion, and to each voter in a second primary election who requests it, a certificate in the following form:

..... Date .....  
..... has voted on this  
(Name of Voter)  
date in the primary election of the  
..... Party.

.....  
Presiding Judge, Precinct No. ....,  
..... County, Texas.

The County Clerk shall furnish to each absentee voter in a general primary election, and to such absentee voter in a second primary election who requests it, a certificate in the form prescribed above, substituting the clerk's title for that of the presiding judge of the election precinct.

"(5) To become qualified to participate in any party convention of a party which does not hold a primary or to become qualified for party membership for any party convention held prior to a primary, each voter who desires to participate in the convention shall state and sign an affidavit under oath to the precinct chairman that he has not participated in the primary or convention of any other party during that voting year. Thereupon, the precinct chairman shall issue to the voter a certificate in the following form:

..... Date .....  
..... has affiliated with the  
(Name of Voter)  
..... Party for the current year.  
.....  
Precinct Chairman, Precinct No. ....,  
..... County, Texas.

Each precinct chairman is authorized to administer the oath required by this subsection. Within 10 days after the precinct convention, he shall arrange the affidavits in alphabetical order and deliver them to the county clerk. If he receives an affidavit after the date of the precinct convention, he shall deliver it to the county clerk within 10 days after he receives it. The county clerk shall keep the affidavits on file in alphabetical order within each precinct for a period of two years after the end of the voting year in which they are filed. The county clerk shall maintain a separate file for each political party.

"(6) A certificate issued by the presiding election judge, the county clerk, or the precinct chairman as provided

in this section shall serve as evidence that the person whose name appears on the certificate is affiliated with the party designated on the certificate and is therefore eligible to participate in that party's conventions."

Sec. 21. Sections 44a and 44b, Texas Election Code (Articles 5.12a and 5.12b, Vernon's Texas Election Code), are suspended. Section 55, Texas Election Code (Article 5.23, Vernon's Texas Election Code), is repealed.

Sec. 22. Effective dates of sections. (a) Immediately upon the effective date of this Act, Sections 2, 3, 4, 5, 6, 7, 9, 11, 12, 14, 15, and 16 take effect for registration to vote at elections held on and after March 1, 1972, to continue in effect as stated in Section 23 of this Act. The law as it exists before the amendments made by these sections continues in effect for registration to vote at elections held before March 1, 1972.

(b) Section 1, 8, 10, 17, 18, 19, 20, and 21 take effect on March 1, 1972.

(c) Section 13 takes effect on the effective date of this Act.

Sec. 23. Contingent permanency of sections. (a) Sections 1 through 20 of this Act are enacted as a temporary law, to expire if neither of the contingencies stated in Subsection (b) of this section occurs, whereupon the law as it exists before the effective date of this Act, with the modifications made in Section 24, again becomes operative until otherwise provided by the Legislature. However, Sections 1 through 20 become permanent law upon the occurrence of either of the two contingencies stated in Subsection (b), and simultaneously Sections 44a and 44b, Texas Election Code (Arts. 5.12a and 5.12b, Vernon's Texas Election Code), are repealed.

(b) Sections 1 through 20 become permanent:

(1) if the final judgment in the case styled Jimmy F. Beare, et al., v. Preston Smith, as Governor of the State of Texas, et al., Civil Action No. 70-C-42, in the United States District Court for the Southern District of Texas, Corpus Christi Division, holds in effect that the provisions in Article VI, Section 2 of the Constitution of Texas which requires annual voter registration violates the Constitution of the United States; or

(2) if a constitutional amendment deleting the requirement for annual registration is submitted by the 62nd

Legislature and is adopted by the qualified voters of this State.

Not later than 15 days after the judgment in *Beare v. Smith* becomes final, the Attorney General shall certify the holding to the Governor and the Secretary of State. If a certification is made that the holding in the case does not invalidate the provision in Section VI, Section 2, and the certification antedates an election submitting a constitutional amendment deleting the provision, the Governor shall await the outcome of the election and shall then issue a proclamation declaring whether Sections 1 through 20 of this Act expire or become permanent; otherwise, he shall issue the proclamation immediately upon receipt of the certification from the Attorney General. If these sections do not become permanent, they expire on the date of the Governor's proclamation, and the former law, as modified by Section 24 of this Act, again becomes operative on that date.

Sec. 24. This section takes effect only if Sections 1 through 20 of this Act expire, as conditioned in Section 23. Upon the effective date of this section, simultaneously with the expiration of those sections, Sections 43a and 51b, Texas Election Code, as amended (Articles 5.11a and 5.19b, Vernon's Texas Election Code), are amended to read as follows:

"43a. Period for registration; period for which registration is effective.

"Subdivision 1. As used in this code, a 'voting year' is a period of one year beginning on March 1 of each calendar year. The regular period for registration for each voting year is from the first day of October through the 31st day of January preceding the beginning of the voting year. Registration during this period entitles the registrant, if otherwise qualified, to vote at elections held at any time during the voting year for which he is registered. Registration for a voting year shall also be conducted at all other times, beginning with the first day of March, except during the last 30 days of the voting year. A person who registers after the beginning of the voting year is not entitled to vote until the expiration of 30 days after registration.

"Subdivision 2. All uncanceled registration certificates issued for voting at elections held on or after

March 1, 1972, are valid for the remainder of the voting year in which this amendment takes effect. If the amendment takes effect during the month of October, November, December, January, or February, they are also valid for the succeeding voting year."

"51b. Reimbursement of county by state

"Subdivision 1. Before April 1 of each year, the registrar shall submit to the Comptroller of Public Accounts a certified statement of the total number of voters registered under this code during the 12-month period ending January 31 of the year in which the statement is submitted.

"Subdivision 2. Before June 1 of the year in which the statement is submitted, the Comptroller shall issue a warrant to each county in the amount of 40 cents multiplied by the total number of voters registered as shown by the certified statement required by Subdivision 1 of this section. However, the Comptroller may, before issuing a warrant, require satisfactory proof of the number of voters registered in the county during the 12-month period mentioned in Subdivision 1.

"Subdivision 3. The disbursements prescribed by this section shall be made from the general revenue fund as provided by legislative appropriations. All money received by a county under this section shall be deposited in the county treasury in a special fund to be used for defraying expenses of the registrar's office in the registration of voters. None of the money shall be deemed to be fees of office or be retained by the registrar as fees in counties where the registrar is compensated on a fee basis."

Sec. 25. On the effective date of this Act, Section 40, Texas Election Code, as amended (Article 5.08, Vernon's Texas Election Code), is amended by adding Subsection (m), to read as follows:

"(m) The residence of a person under 21 years of age who is not married or has not been married or has not had the disabilities of minority removed through a proceeding in a court of competent jurisdiction is at the place of residence of the parent or parents, or other person standing in loco parentis, having custody of the minor. The residence of a person under 21 years of age who is mar-

ried or has been married or has been emancipated from the disabilities of minority by court order is determined in accordance with the rules applying to persons of full age."

Sec. 26. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 27. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was read and was adopted by the following vote:

#### Yeas—16

Bates	Kennard
Beckworth	Kothmann
Bernal	McKool
Bridges	Patman
Brooks	Sherman
Christie	Wallace
Harrington	Watson
Jordan	Wilson

#### Nays—14

Aikin	Hightower
Blanchard	Mauzy
Connally	Moore
Creighton	Ratliff
Grover	Schwartz
Harris	Snelson
Herring	Word

#### Absent

Hall

#### Senate Concurrent Resolution 138

Senator Watson offered the following resolution:

S. C. R. No. 138, Directing the Enrolling Clerk to make certain corrections in S. B. No. 11.

The resolution was read.

On motion of Senator Watson and by unanimous consent, the resolution was considered immediately and was adopted.

#### Recess

On motion of Senator Aikin, the Senate at 12:04 o'clock p.m. took recess until 2:00 o'clock p.m. today.

#### After Recess

The Presiding Officer (Senator Aikin in Chair) called the Senate to order at 2:00 o'clock p.m. today.

#### Executive Session

On motion of Senator Christie and by unanimous consent, the Senate agreed to hold an Executive Session at 2:06 o'clock p.m. today.

Accordingly, the Presiding Officer directed all those not entitled to attend the Executive Session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the Executive Session the Secretary of the Senate informed the Journal Clerk that the Senate had confirmed the following nominations:

To be a Member of the American Revolution Bicentennial Commission: For a term to expire August 31, 1971: John T. Duncan, Bryan, Brazos County.

To be a Member of the National Conference on Uniform State Law: For a four-year term to expire July 7, 1973: Stanley Plettman, Beaumont, Jefferson County.

To be a Member of the Texas Conservation Foundation: For a four-year term to expire January 31, 1973: Harry Lee Tennison, Fort Worth, Tarrant County.

To be a Member of the Finance Commission of Texas: For a six-year term to expire February 1, 1977: J. H. Bain, Jr., Stockdale, Wilson County.

To be a Member of the State Board of Barber Examiners: For a six-year term to expire May 18, 1975: Roy Lee Fowler, Austin, Travis County.

**In Legislative Session**

The President called the Senate to order as In Legislative Session at 2:37 o'clock p.m.

**Report of Standing Committee**

By unanimous consent, Senator Herring submitted the following reports for the Committee on Jurisprudence:

H. C. R. No. 191.

H. B. No. 1504.

**House Concurrent Resolution 191  
Ordered Not Printed**

On motion of Senator Herring and by unanimous consent, H. C. R. No. 191 was ordered not printed.

**House Concurrent Resolution 191  
on Second Reading**

On motion of Senator Herring and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 191, Granting permission to Mrs. Quatha Kirkpatrick to sue the State of Texas, the Texas Department of Mental Health and Mental Retardation, and the Texas Department of Corrections.

The resolution was read.

On motion of Senator Herring and by unanimous consent, the resolution was considered immediately and was adopted.

**Report of Standing Committee**

By unanimous consent, Senator Kennard submitted the following report for the Committee on Parks and Wildlife:

H. B. No. 1124.

**House Bill 1124 Ordered Not Printed**

On motion of Senator Moore and by unanimous consent, H. B. No. 1124 was ordered not printed.

**House Bill 1504 Ordered Not Printed**

On motion of Senator Bates and by unanimous consent, H. B. No. 1504 was ordered not printed.

**House Bill 1124 on Second Reading**

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 1124, A bill to be entitled "An Act relating to the use of certain types of firearms in Liberty and Chambers Counties; providing penalties; and declaring an emergency."

The bill was read second time and passed to third reading.

**House Bill 1124 on Third Reading**

Senator Moore moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 1124 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**Bills and Resolution Signed**

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolution:

H. B. No. 158.

H. B. No. 259.

H. B. No. 298.

H. B. No. 384.  
H. B. No. 451.  
H. B. No. 470.  
H. B. No. 471.  
H. B. No. 517.  
H. B. No. 548.  
H. B. No. 587.  
H. B. No. 595.  
H. B. No. 687.  
H. B. No. 728.  
H. B. No. 853.  
H. B. No. 920.  
H. B. No. 969.  
H. B. No. 1007.  
H. B. No. 1078.  
H. B. No. 1099.  
H. B. No. 1165.  
H. B. No. 1166.  
H. B. No. 1179.  
H. B. No. 1186.  
H. B. No. 1262.  
H. B. No. 1293.  
H. B. No. 1316.  
H. B. No. 1319.  
H. B. No. 1352.  
H. B. No. 1417.  
H. B. No. 1438.  
H. B. No. 1441.  
H. B. No. 1611.  
H. B. No. 1633.  
H. B. No. 1649.  
H. B. No. 1650.  
H. B. No. 1652.  
H. B. No. 1653.  
H. B. No. 1659.  
H. B. No. 1682.  
H. B. No. 1683.

H. B. No. 1686.  
H. B. No. 1687.  
H. B. No. 1703.  
H. B. No. 1722.  
H. B. No. 1727.  
H. B. No. 1728.  
H. B. No. 1729.  
H. B. No. 1730.  
H. B. No. 1732.  
H. B. No. 1736.  
H. B. No. 1737.  
H. B. No. 1745.  
H. B. No. 1748.  
H. B. No. 1751.  
H. B. No. 1758.  
H. B. No. 1768.  
H. B. No. 1773.  
H. B. No. 1809.  
H. B. No. 1823.  
H. B. No. 1824.  
H. B. No. 1825.  
H. B. No. 1851.  
H. B. No. 1857.  
H. B. No. 1863.  
H. C. R. No. 153.

#### Senate Resolution 1478

By unanimous consent, Senator Mauzy offered the following resolution:

S. R. No. 1478, Providing for the creation of an Interim Committee to Study the Texas Tort Claim Act.

The resolution was read.

Question—Shall S. R. No. 1478 be adopted?

#### Recess

On motion of Senator Aikin the Senate at 3:00 o'clock p.m. took recess until 3:30 o'clock p.m. today.

**After Recess**

The Presiding Officer (Senator Aikin in Chair) called the Senate to order at 3:30 o'clock p.m. today.

**Report of Standing Committee**

By unanimous consent, Senator Ratliff submitted the following report for the Committee on Banking:

H. B. No. 825 (Floor report).

**House Bill 1564 on Second Reading**

On motion of Senator Hightower and by unanimous consent, the regular order of business and Senate Rule 35 were suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 1564, A bill to be entitled "An Act amending Statutes relating to defining certain deceptive practices in the conduct of any trade or commerce; etc.; and declaring an emergency."

The bill was read second time.

Senator Hightower offered the following amendment to the bill:

Amend H. B. 1564 by striking everything below the enacting clause and substituting in lieu thereof the following:

"Section 1. Section (b), Article 10.01, Chapter 10, Title 79, Revised Civil Statutes of Texas, 1925, as amended, by adding Subsection (17) to read as follows:

'10.01 (b) (17) basing a charge for the repair of any item in whole or in part upon a guarantee or warranty instead of upon the value of the actual repairs made and work to be performed upon the item without stating separately the charge for the repair work and the charge for the warranty or guarantee if any.'

Section 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted."

The amendment was read and was adopted.

On motion of Senator Hightower and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended passed to third reading.

**House Bill 1564 on Third Reading**

Senator Hightower moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 1564 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**House Bill 1584 on Second Reading**

On motion of Senator Hightower and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 1584, A bill to be entitled "An Act amending statutes relating to defining certain deceptive practices in the conduct of any trade or commerce, by amending Subsection (12); and declaring an emergency."

The bill was read second time.

Senator Hightower offered the following amendment to the bill:

Amend H. B. 1584 by striking everything below the enacting clause

and substituting in lieu thereof the following:

"Section 1. Section (b), Article 10.01, Chapter 10, Title 79, Revised Civil Statutes of Texas, 1925, as amended, by revising Subsection (12) to read as follows:

'10.01 (b) (12) engaging in any act or practice which is deceptive to the consumer.'

Section 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted."

The amendment was read and was adopted.

On motion of Senator Hightower and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

#### House Bill 1584 on Third Reading

Senator Hightower moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 1584 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Senate Resolution 1480

By unanimous consent, Senator Watson offered the following resolution:

S. R. No. 1480, Providing for the creation of an Interim Committee on the feasibility of the creation of a Public Records Commission of Texas.

The resolution was read and was adopted.

#### House Bill 1504 on Second Reading

On motion of Senator Bates and by unanimous consent, the regular order of business and Senate Rule 35 were suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 1504, A bill to be entitled "An Act relating to submission of false credit information to a credit rating bureau; providing penalties; and declaring an emergency."

The bill was read second time and passed to third reading.

#### House Bill 1504 on Third Reading

Senator Bates moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 1504 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Bills and Resolutions Signed

The Presiding Officer announced the signing by the President in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

S. B. No. 1021.

S. B. No. 1020.

S. B. No. 473.

S. B. No. 814.

S. C. R. No. 86.

S. C. R. No. 41.

S. C. R. No. 114.

S. C. R. No. 101.

S. C. R. No. 103.

S. C. R. No. 116.

S. C. R. No. 129.

S. C. R. No. 132.

S. C. R. No. 133.

S. C. R. No. 135.

#### Senate Resolution 1478

The Senate resumed the consideration of the pending business, same being S. R. No. 1478.

Question—Shall S. R. No. 1478 be adopted?

The resolution was adopted.

#### House Bill 825 Ordered Not Printed

On motion of Senator Blanchard and by unanimous consent, H. B. No. 825 was ordered not printed.

#### Senate Resolution 1481

By unanimous consent, Senator Schwartz offered the following resolution:

S. R. No. 1481, Directing the Trinity River Authority to prepare an environmental impact statement on the Trinity River Navigation Project.

The resolution was read and was adopted.

#### Conference Committee Report on House Bill 750

Senator Watson submitted the following Conference Committee Report:

Austin, Texas,  
May 31, 1971.

Hon. Ben Barnes, President of the Senate.

Hon. G. F. "Gus" Mutscher, Speaker of the House of Representatives.

Sirs: We, your Conference Committee appointed to adjust the differences between the House and Senate on H. B. No. 750, have met and adjusted our differences and beg leave to recommend that it be passed in the form attached hereto.

Respectfully submitted,

WATSON  
BATES  
MOORE  
HARRINGTON  
BECKWORTH  
On the part of the Senate.  
HAWKINS  
NABERS  
CAVNESS  
SHANNON

On the part of the House.

The Conference Committee Report was read and was adopted by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

#### House Joint Resolution 58 on Second Reading

On motion of Senator Kennard and by unanimous consent, the regular order of business and Senate Rule 35 were suspended to take up for consideration at this time on its second reading and passage to third reading:

H. J. R. No. 58, Proposing an amendment to Article III, Section



24, and Article IV, Section 17, Constitution of the State of Texas, to provide for an annual salary of \$22,500 for the Lieutenant Governor and the Speaker of the House of Representatives, and \$8,400 for Members of the Senate and House of Representatives, and to extend to 120 days only of the Regular Session the per diem allowance of Members of the Legislature.

The resolution was read second time.

Senator Kennard offered the following amendment to the resolution:

Amend H. J. R. No. 58 by deleting Section 2 and renumbering Section 3 as Section 2.

The amendment was read and was adopted.

On motion of Senator Kennard and by unanimous consent, the caption was amended to conform to the body of the resolution as amended.

The resolution as amended was passed to third reading.

#### Record of Votes

Senators Grover and Mauzy asked to be recorded as voting "Nay" on the passage of the resolution to third reading.

#### House Joint Resolution 58 on Third Reading

Senator Mauzy moved that the Constitutional Rule and Senate Rule 30 requiring resolutions to be read on three several days be suspended and that H. J. R. No. 58 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—25

Bates	Kennard
Beckworth	Kothmann
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Schwartz
Connally	Sherman
Creighton	Snelson
Hall	Wallace
Harrington	Watson
Herring	Wilson
Hightower	Word
Jordan	

#### Nays—6

Aikin	Harris
Bernal	Mauzy
Grover	Ratliff

(President Pro Tempore in Chair.)

The President Pro Tempore then laid the resolution before the Senate on its third reading and final passage.

On motion of Senator Kennard further consideration of H. J. R. No. 58 was withdrawn.

#### Senate Resolution 1482

By unanimous consent, Senator Creighton offered the following resolution:

Whereas, Charles F. Herring of Austin, Texas, has faithfully served his district in the State Senate of Texas since 1956; and

Whereas, He is and has been one of the ablest members of the Senate and his community; and

Whereas, Senator Herring will celebrate his birthday on Tuesday, June 1st; now, therefore, be it

Resolved by the Members of the Senate, That best wishes for this auspicious occasion be offered to Senator Herring.

#### CREIGHTON

Signed—Lieutenant Governor Ben Barnes; Aikin, Bates, Beckworth, Bernal, Blanchard, Bridges, Brooks, Christie, Connally, Grover, Hall, Harrington, Harris, Hightower, Jordan, Kennard, Kothmann, Mauzy, McKool, Moore, Patman, Ratliff, Schwartz, Sherman, Snelson, Wallace, Watson, Wilson, Word.

The resolution was read.

On motion of Senator Aikin and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Creighton the resolution was adopted.

#### Senate Resolution 1483

By unanimous consent, Senator Herring offered the following resolution:

Whereas, Since its establishment 46 years ago by Walter E. Long, the Texas Legislative Service has provided the members of the Legislature a variety of daily reports and other valuable services; and

Whereas, Headed by Russell Fish, the outstanding staff of the Service—Senate Correspondents Kitt Keenan and John Jefferson, House Correspondents James Fish, Ed Summers and Bill Gough, and Office Manager Mrs. Fred Walker, have continued the traditional service policies of accuracy and courtesy; and

Whereas, In addition to the familiar daily reports which provide current condensation of the activities of both Houses, the Legislative Service provides information at the request of individual members, all at no cost; now, therefore, be it

Resolved, By the Senate of the 62nd Texas Legislature, that this Resolution express the appreciation and gratitude of all the members of the Legislature for the excellent assistance and cooperation of the staff of the Texas Legislative Service; and, be it further

Resolved, That copies of this Resolution be prepared for the staff of the Service in recognition of their contributions to the success of the 62nd Legislative Session.

The resolution was read and was adopted.

#### Senate Resolution 1485

By unanimous consent, Senator Hightower offered the following resolution:

S. R. No. 1485, Providing for the creation of a Special Interim Committee on Dental Care.

The resolution was read and was adopted.

#### Message From Governor

The following message received from the Governor was read and was filed with the Secretary of the Senate:

May 31, 1971.

TO THE MEMBERS OF THE 62ND LEGISLATURE, REGULAR SESSION:

I am herewith returning to the Senate, Senate Bill No. 910, pursuant to the provisions of Senate Concurrent Resolution No. 137, for the purposes of making certain corrections therein.

Respectfully submitted,  
PRESTON SMITH,  
Governor of Texas.

#### Senate Concurrent Resolution 139

By unanimous consent, Senator Schwartz offered the following resolution:

S. C. R. No. 139, Authorizing Enrolling Clerk to make certain corrections in S. B. No. 11.

Be It Resolved by the Senate of the State of Texas, the House of Representatives concurring, that the Enrolling Clerk of the Senate be and she is hereby instructed to make the following corrections needed in enrolling Senate Bill No. 11 which includes and covers errors in language, statutory references, calculations and unintentional omissions:

1. Under the Industrial Accident Board at page III-81 change item 9 to read "Consumable supplies and materials, current and recurring operating expense (excluding travel expense) and necessary expenses for computer and change the annual amount for item 9 to \$358,549 in 1972 and \$363,206 in 1973.

2. Under the Industrial Accident Board at page III-82 add the following classifications:

Group 20	
1056 Prehearing Examiner,	
Industrial Accident Board	9
Group 19	
1551 Staff Services Officer I,	
Industrial Accident Board,	4
Group 16	
0233 ADP Supervisor III,	
Industrial Accident Board	
0260 Systems Analyst I,	
Industrial Accident Board	1
1550 Accountant III,	
Industrial Accident Board	1
Group 15	
1503 Administrative Technician	
III, Industrial Accident Board	17
Group 14	
0240 ADP Programmer I,	
Industrial Accident Board	1
Group 11	
1502 Administrative Technician	
II, Industrial Accident Board	7
Group 8	
1501 Administrative Technician	
II, Industrial Accident Board	14
1003 Accounting Clerk III,	
Industrial Accident Board	1
1703 Personnel Clerk III,	
Industrial Accident Board	1
Group 6	
0055 Clerk III, Industrial	
Accident Board	16

3. Under the Industrial Accident Board at page III-81 change the annual amount for item 5 to \$1,059,212 in 1972 and \$1,127,915 in 1973.

4. Under the Coordinating Board at page IV-17, change item 16 (b) to read: "Texas Osteopathy Scholarships and Operating Expense."

5. At page V-55, Section 60, change the reference S. B. 209 to S. B. 908.

6. Under Texas Public Junior Colleges—State Aid at page IV-18, change the amount for Vernon Regional Junior College in 1973 to \$408,080.

7. Under West Texas Childrens Home at page II-40, change the amount for item 2 to \$12,500 in 1973.

8. Under the Alcoholic Beverage Commission at page III-13 add the following classification:

Group 20

1553 Staff Services Officer II

9. Under the Board of Control at page III-40, change the amount in item 2 to \$21,500 in 1972.

10. Under the General Land Office at page III-92, change item 17 to read "Consumable supplies and materials, current and recurring operating expense (excluding travel expense), capital outlay and professional fees and services."

11. Under the Soil and Water Conservation Board at page III-137, change the annual amounts in item 3 to \$107,624 for 1972 and \$115,008 for 1973.

12. Under the Rodent and Predatory Animal Control Service at page IV-49, change the annual amounts in item 2 to \$512,850 for each year of the biennium.

13. Correct all totals, subtotals, recapitulations and summaries as necessary.

SCHWARTZ  
AIKIN  
WORD  
CREIGHTON  
CHRISTIE

The resolution was read.

On motion of Senator Schwartz and by unanimous consent, the resolution was considered immediately and was adopted.

#### Conference Committee Report on Senate Bill 146

Senator Mauzy submitted the following Conference Committee Report:

Austin, Texas.

May 31, 1971.

Hon. Ben Barnes, President of the Senate.

Hon. G. F. "Gus" Mutscher, Speaker of the House of Representatives.

Sirs: We, your Conference Committee appointed to adjust the differences between the House and Senate on S. B. No. 146, have met and adjusted our differences and beg leave to recommend that it be passed in the form attached hereto.

Respectfully submitted,

HALE  
NUGENT  
SHANNON  
NEWTON

On the part of the House.

MAUZY  
WORD  
WALLACE

On the part of the Senate.

S. B. No. 146:

#### A BILL TO BE ENTITLED

An Act establishing a system of comparative negligence and abolishing contributory negligence as a bar to recovery under certain conditions in civil suits by providing for recovery of damages on the basis of comparison of negligence; providing for the contribution and indemnity in the case of joint tortfeasors; repealing certain laws to the extent of conflict and saving certain laws from repeal; providing for severability; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Contributory negligence shall not bar recovery in any action by any person or his legal representative seeking to recover damages for negligence resulting in death or in injury to person or property, if such negligence was not greater than the negligence of the person or persons against whom recovery is sought, but any damages awarded shall be diminished in the proportion to the amount of negligence attributed to the person recovering. In cases tried before a jury the court shall instruct the jury to find the total damages sustained by the person recovering without re-

gard to the negligence of any party to the event or occurrence, and shall further instruct the jury to find the percentage of negligence attributable to the person recovering, and the total damages found by the jury shall be diminished by the court by the percentage of negligence attributed to the person recovering as determined by the jury.

Sec. 2. In all cases where liability is based on negligence and where recovery is sought against more than one party and the causal negligence of the party seeking an affirmative recovery is not greater than the negligence of all the parties from whom recovery is sought, contribution to the damages awarded shall be in proportion to the percentage of negligence attributable to each party from whom recovery is sought, provided however, that such defendants shall be entitled only to an offset from said entire award of any sum paid in settlement to the party seeking recovery by any other alleged tortfeasor who is not then a party to the suit. All claims for contribution and indemnity, not based on contract between defending parties, over which the Texas courts have in personam jurisdiction, must be determined in the primary suit; however a cross-claimant's recovery shall be taken as an offset to the recovery of any plaintiff or other cross-claimant.

Sec. 3. If any word, phrase, clause, provision, sentence, part or parts of this Act shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity of the remaining parts of this Act and all remaining parts shall be valid. The Legislature hereby declares that it would have passed the remaining parts of this Act if it had known that such word, phrase, clause, provision, sentence, part or parts thereof would be declared invalid or unconstitutional.

Sec. 4. Article 2212, Revised Civil Statutes of Texas, 1925, is hereby modified or repealed to the extent, and only to the extent, of any conflict with the provisions of this Act. Nothing herein shall be construed to repeal Acts 1931, 42nd Legislature, Regular Session, Chapter 225 (Article 6701b, Vernon's Texas Civil Statutes).

Sec. 5. The fact that grave injustice is constantly being worked upon per-

sons in this state injured in person and property by the negligence or fault of others due to the fact that under existing law there can be no recovery of damages by the person so suffering injury or damage if he be in any degree contributorily negligent, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended and that this Act shall take effect and be in force for all negligence actions arising after September 1, 1971.

The Conference Committee Report was read.

Question—Shall the Conference Committee Report be adopted?

#### Senate Resolution 1492

By unanimous consent, Senator Wilson offered the following resolution:

Whereas, When the 62nd Session of the Texas Legislature convened on January 12, 1971, the absence of a colorful and distinguished Senator was apparent; and

Whereas, Senator Grady Hazlewood, who had represented Texas's 31st Senatorial District since 1941, retired from the Senate prior to the beginning of the 62nd Session of the Legislature; during his years of service in the Senate, this dedicated Senator devoted himself to serving his State with honor and dignity; and

Whereas, "The Old Gray Fox," as he is affectionately known to his colleagues and friends, has been instrumental in passing an enviable record of legislation; he has been recognized for his sensitivity to the needs of Texas, and particularly the Panhandle area; and

Whereas, Senator Hazlewood's contagious smile and his geniality, along with his rare ability to turn controversial issues into popular ideas and to maintain his great sense of humor and dry wit throughout many tense situations have been missed during this 62nd Session of the Legislature; and

Whereas, In his newfound leisure, Senator Hazlewood will be able to devote full time to enjoying his lovely home on the lake, and to participating in his favorite pastime, that of

traveling and talking about his extensive travels; now, therefore, be it

Resolved, That the Members of the Senate of the 62nd Legislature unite in expressing affection, esteem and high regard for Senator Grady Hazlewood; and be it further

Resolved, That the Senate convey sincere gratitude to this dedicated public servant for his significant contributions and service to his State; and express our best wishes for his continued good health and happiness; and be it further

Resolved, That a copy of this Resolution be prepared for our distinguished colleague as an expression of our respect and admiration.

The resolution was read and was adopted.

#### Message From the House

Hall of the House of Representatives

Austin, Texas,  
May 31, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 72, A bill to be entitled "An Act relating to the appointment, powers, and duties of certain reserve law enforcement officers; and declaring an emergency."

(With amendment.)

S. C. R. No. 83, That Tom I. McFarling, or his successor in such capacity, is hereby authorized to join in any suit he may file for title to and/or possession of any securities on deposit with the State Treasurer for the protection of any of the policyholders of Old National Insurance Company.

S. C. R. No. 126, Directing the Enrolling and Engrossing Clerk of the House of Representatives to make changes in House Bill No. 1657.

(With amendment.)

The House has adopted the Conference Committee Report on Senate Bill No. 56 by a vote of 93 Ayes, 48 Noes.

S. B. No. 521, A bill to be entitled "An Act relating to the Texas Relocation Assistance Act establishing a

uniform policy for the fair and equitable treatment of persons displaced as a result of any program undertaken by any agency of this state or in which any agency of the state participates; etc.; and declaring an emergency."

S. B. No. 937, A bill to be entitled "An Act creating a Court of Domestic Relations for El Paso County, Texas; etc.; and declaring an emergency."

S. B. No. 18, A bill to be entitled "An Act cancelling and releasing any future reversionary right and interest which the State of Texas may hold and conveying and granting to the Austin Independent School District all right, title and interest of the State of Texas in and to property in the Original City of Austin; and declaring an emergency."

(With amendment.)

S. B. No. 132, A bill to be entitled "An Act relating to punishment for contempt; amending Article 1911, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

(With amendment.)

S. B. No. 392, A bill to be entitled "An Act prohibiting the possession of certain paraphernalia for injecting dangerous drugs, with exceptions and limitations; etc.; and declaring an emergency."

S. B. No. 264, A bill to be entitled "An Act amending Article 8309c-1, Workmen's Compensation for employees of certain drainage districts; etc.; and declaring an emergency."

S. B. No. 408, A bill to be entitled "An Act reenacting and amending Statutes, adding the seizure of vessels, vehicles or aircraft transporting dangerous drugs; etc.; and declaring an emergency."

(With amendment.)

S. B. No. 487, A bill to be entitled "An Act relating to the salaries of assistants to the county school superintendent in certain counties; and declaring an emergency."

S. B. No. 494, A bill to be entitled "An Act creating a Texas Advisory Commission on Intergovernmental Relations; etc.; and declaring an emergency."

S. B. No. 552, A bill to be entitled "An Act relating to improvements to water and sewer systems; etc.; and declaring an emergency."

(With amendment.)

S. B. No. 1036, A bill to be entitled "An Act relating to the minimum tuition fee charged resident students at Texas junior colleges; amending Item 4, Subsection (b), Section 51.003, Texas Education Code; and declaring an emergency."

(With amendment.)

Respectfully submitted,  
DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

At Ease

The President Pro Tempore announced at 5:27 o'clock p.m. that the Senate would Stand At Ease until 7:30 o'clock p.m.

#### In Legislative Session

The Presiding Officer (Senator Word in Chair) called the Senate to order as In Legislative Session at 7:30 o'clock p.m.

#### Senate Concurrent Resolution 126 With House Amendment

Senator Watson called S. C. R. No. 126 from the President's table for consideration of the House amendment to the resolution.

The Presiding Officer laid the resolution and the following House amendment before the Senate:

#### Amendment No. 1

Amend S. C. R. No. 126 by adding sections to read as follows:

Sec. 20. Subchapter A, Chapter 66, Texas Education Code, is amended by adding Section 66.05 to read as follows:

"Section 66.05. REPORTS. (a) Before December 1 of each year the board of regents of The University of Texas System shall prepare a written report disclosing all details concerning the investments made and income realized from the permanent university fund during the year ending August 31 preceding the publication of the report.

"(b) The report shall contain a summary of all investments and an

itemized list of all securities held for the fund on August 31, a summary of investment changes during the preceding year, and a summary of all income realized from the various components of the fund. The report shall also contain any other information needed to clearly indicate the nature and extent of investments made of the fund and all income realized from the components of the fund.

"(c) The report shall be distributed to the governor, state treasurer, state comptroller of public accounts, state auditor, attorney general, commissioner of higher education, and to the members of the legislature by the 1st day of January each year. The board shall furnish copies of the report to any interested person on request." (H. B. No. 1198, 62nd Legis., Reg. Sess., 1971.)

Sec. 21. Subchapter A, Chapter 11, Texas Education Code, is amended by adding Section 11.051 to read as follows:

"Section 11.051. TRAVEL AND CLOTHING EXPENSES FOR CERTAIN DEAF STUDENTS. (a) In this section, 'economically deprived children' means children having parents or guardians whose financial condition is such that it would work a hardship upon them to pay the travel or clothing expenses of their children.

"(b) The travel expenses of economically deprived children attending the Texas School for the Deaf shall be paid by the state out of funds appropriated by the legislature. The superintendent of the school shall, subject to the requirements of Subsection (c) of this section, make the determination in his sole discretion of which children are entitled to have their travel expenses paid.

"(c) No money appropriated for travel expenses may be expended except in compliance with the following rules:

"(1) The travel expenses shall be paid only when it is necessary for the student to travel to his home, and only for trips to and returning from his home.

"(2) The superintendent of the school shall plan the travel of students so as to achieve maximum economy and efficiency.

"(3) A student traveling by rented or public conveyance is entitled to a travel allowance equal to the actual

cost of necessary transportation, meals, and lodging.

"(d) The expenses of purchasing clothes for economically deprived children attending the Texas School for the Deaf shall be paid out of funds appropriated by the legislature. The superintendent of the school shall make the determination in his sole discretion of which children are entitled to have clothes purchased for them." (S. B. No. 292, 62nd Legis., Reg. Sess., 1971.)

Sec. 22. Subchapter C, Chapter 87, Texas Education Code, is amended by adding Section 87.206 to read as follows:

"Section 87.206. INSTRUCTION IN FIELD OF MARINE RESOURCES. In addition to the instruction authorized in Section 87.201 of this code, the school or any other school created under this subchapter may provide instruction for all students in educational programs related to the general field of marine resources. Such courses must have the prior approval of the Coordinating Board, Texas College and University System." (S. B. No. 942, 62nd Legis., Reg. Sess., 1971.)

Sec. 23. Chapter 111, Texas Education Code, is amended by adding Subchapter E to read as follows:

"SUBCHAPTER E. THE UNIVERSITY OF HOUSTON AT CLEAR LAKE CITY.

"Section 111.81. ESTABLISHMENT, LOCATION. There is established in Harris County, as recommended by the Coordinating Board, Texas College and University System, a coeducational institution of higher education to be known as the University of Houston at Clear Lake City. The university shall be located on land currently owned by the University of Houston, either land acquired by donation under Chapter 37, Acts of the 60th Legislature, Regular Session, 1967, or land generally adjacent to that land and also owned by the University of Houston.

"Section 111.82. ORGANIZATION AND CONTROL. The organization and control of the university are vested in the board of regents of the University of Houston. With respect to this university, the board of regents has all the rights, powers, and duties that it has with respect to the organization and control of the University of Houston, except as otherwise provided by this Act. However, the University of Houston at Clear

Lake City shall be maintained as a separate and distinct institution of higher education.

"Section 111.83. ROLE AND SCOPE. The university shall be organized to offer only junior, senior, and graduate-level programs.

"Section 111.84. ADVISORY COMMITTEE. (a) There is established a permanent advisory committee consisting of the president, or a representative designated by him, of each tax-supported junior college and community college now existing or hereafter established in Harris, Galveston, Fort Bend, Waller, Montgomery, Liberty, Chambers, or Brazoria County.

"(b) The advisory committee shall biennially elect a chairman from among its members and may elect other officers. It shall make rules to govern the calling of meetings and the transaction of its business.

"(c) The advisory committee shall periodically study the overall needs of the region mentioned in Subsection (a) of this section for the development of programs and resources in higher education, and as a result of its studies shall make recommendations to the board of regents of the University of Houston regarding the development of the departments and degree programs of the University of Houston at Clear Lake City. The board of regents shall give careful consideration to the recommendations of the advisory committee.

"Section 111.85. AUTHORITY OF COORDINATING BOARD. The university is a general academic teaching institution, and as such it is subject to the authority of the Coordinating Board, Texas College and University System." (H.B. No. 199, 62nd Legis., Reg. Sess., 1971.)

Sec. 24. Chapter 104, Texas Education Code, is amended by adding Subchapter G to read as follows:

"SUBCHAPTER G. TEXAS A&I UNIVERSITY AT CORPUS CHRISTI

"Section 104.91. ESTABLISHMENT; SCOPE. (a) The board is authorized and directed to establish and maintain a fully state-supported coeducational institution of higher learning to be known as Texas A&I University at Corpus Christi. The site for the institution shall consist of at least 200 acres of land and shall be provided for the institution at no cost to the state.

"(b) The institution shall be organized to accept only junior, senior,

and graduate-level students, with at least 60 semester hours of accredited college or university study.

"Section 104.92. DEGREES; RULES; JOINT APPOINTMENTS.

(a) The board may prescribe courses leading to such customary degrees as are offered at leading American universities of this concept and to award such degrees. It is the intent of the legislature that such degrees shall include baccalaureate and master's degrees and their equivalents, and that there be established a standard program for such type institution, but no department, school, or degree program shall be instituted except with the prior approval of the Coordinating Board, Texas College and University System.

"(b) The board shall make such other rules and regulations for the operation, control, and management of the university, including the determination of the number of students that shall be admitted to any school, college, or degree-granting program, as may be necessary for the conduct of the university as one of the first class.

"(c) The board is specifically authorized to make joint appointments in the university and in other institutions under its governance, the salary of any such person who receives a joint appointment to be apportioned to the appointing institution on the basis of services rendered.

"Section 104.93. GIFTS AND GRANTS. (a) The board may accept and administer upon terms and conditions satisfactory to it grants or gifts of property, including real estate and/or money that may be tendered to it in aid of the planning, establishment, conduct, and operation of Texas A&I University at Corpus Christi, and in aid of research and teaching at the university.

"(b) The board may accept from the federal government or any foundation, trust fund, corporation, or individual donations, gifts, and grants, including real estate, buildings, libraries, laboratories, apparatus, equipment, records, or money for the use and benefit of the university." (H. B. No. 275, 62nd Legis., Reg. Sess., 1971.)

Sec. 25. Subchapter E, Chapter 130, Texas Education Code, is amended by adding Section 130.086, to read as follows:

"Section 130.086. BRANCH CAMPUSES. (a) The board of trustees of a junior college district may establish

and operate branch campuses, centers, or extension facilities, without regard to the geographical bounds of the junior college district, provided that each branch campus, center, or extension facility is approved by the appropriate state educational agency.

"(b) The branch campuses, centers, or extension facilities shall be within the role and scope of the junior college as determined by the appropriate state educational agency.

"(c) The board of trustees of a junior college district may accept or acquire by purchase or rent land and facilities in the name of the junior college district without regard to the geographical bounds of the junior college district.

"(d) Before any course may be offered by a junior college within the district of an operating public junior college it must be established that the public junior college is not capable of or is unable to offer the course. After the need is established and the course is not locally available, then the junior college may offer the course when approval is granted by the appropriate state educational agency.

"(e) The board of trustees of a junior college district may enter cooperative agreement with independent, common, or county school districts, state or federal agencies as may be required to perform the services as outlined in this section.

"(f) Out-of-district branch campuses, centers, or extension facilities of junior colleges existing prior to September 1, 1971, shall be reviewed by the appropriate state educational agency to determine their feasibility and desirability with respect to the junior college and the population of the geographical area served by the branch campus, center, or extension facility." (H. B. No. 1351, 62nd Legis., Reg. Sess., 1971.)

Sec. 26. Subchapter D, Chapter 73, Texas Education Code, is amended by adding Section 73.157 to read as follows:

"Section 73.157. DIVISION OF COMMUNICATIVE DISORDERS.

(a) The board may acquire by donation the facilities of the Houston Speech and Hearing Center, a Texas nonprofit corporation of Houston, all of which are located within the Texas Medical Center, including a leasehold interest in land. The board is further authorized to execute any and all agreements necessary to carry out the purpose and intent of this section.



"(b) If and when such center is accepted, there shall be established within The University of Texas Graduate School of Biomedical Sciences at Houston a division which shall be known as the Division of Communicative Disorders for the purpose of observing, testing, analyzing, diagnosing, and treating those persons afflicted with hearing and speech abnormalities, defects, and afflictions, and as a center for research studies and training relating to speech and hearing afflictions, abnormalities, and defects, and for all programs incidental thereto. The facilities of the Division of Communicative Disorders shall be available to all persons and institutions, subject only to necessary limitations with respect to space, funding, and qualifications of such users.

"(c) The board may accept gifts and grants from any source in aid of the conduct and operation of the Division of Communicative Disorders." (S. B. No. 918, 62nd Legis., Reg. Sess., 1971.)

Sec. 27. Subsection (a), Section 51.105, Texas Education Code, is amended to read as follows:

"(a) The governing board may grant to a faculty member a faculty development leave either for one academic year at one-half of his regular salary or for one-half academic year at his full regular salary. Payment of salary to the faculty member on faculty development leave may be made only from the funds appropriated by the legislature specifically for that purpose." (Sec. 1, H. B. No. 514, 62nd Legis., Reg. Sess., 1971.)

Sec. 28. Subchapter C, Chapter 51, Texas Education Code, is amended by adding Section 51.108 to read as follows:

"Section 51.108. REGULATIONS CONCERNING ABSENCE. (a) The governing board of each college or university supported in whole or in part by state funds shall issue regulations concerning the authorized and unauthorized absence from duty of faculty members, including teaching assistants and research assistants.

"(b) Each governing board shall file a copy of these regulations with the Coordinating Board, Texas College and University System. Each governing board shall file any amendment to its regulations with the coordinating board not later than 30 days after the effective date of the

amendment." (Sec. 2 and 3, H. B. No. 514, 62nd Legis., Reg. Sess., 1971.)

Sec. 29. Sections 54.051, 54.054, 54.055, 54.057, and 54.101, Texas Education Code, are amended to read as follows:

"Section 54.051. TUITION RATES.

(a) The governing board of each institution of higher education shall cause to be collected from students registering at the institution tuition or registration fees at the rates prescribed in this section.

"(b) Tuition for resident students, except as otherwise hereinafter provided, is \$4 per semester credit hour, but the total of such charge shall be not less than \$50 per semester.

"(c) Tuition for nonresident students, except as otherwise hereinafter provided, is \$40 per semester credit hour.

"(d) Resident or nonresident students registered for thesis or dissertation credit only, in those instances where such credit is the final credit hour requirement for the degree in progress, shall pay a sum proportionately less than herein prescribed but not more than \$50.

"(e) Tuition for resident students registered in a medical or dental branch, school or college is \$400 per academic year of 12 months.

"(f) Tuition for nonresident students registered in a medical or dental branch, school or college is \$1,200 per academic year of 12 months.

"(g) Resident or nonresident students registered for a course or courses in art, architecture, drama, speech, or music, where individual coaching or instruction is the usual method of instruction, shall pay a fee in addition to the regular tuition, said fee to be designated by the governing board of such institution; but in no event shall such fees be more per course per semester of four and one-half months or per summer session than \$75.

"(h) Tuition for students who are citizens of any country other than the United States of America is \$14 per semester credit hour, but the total of such charge shall be not less than \$200.

"(i) Tuition for students who are citizens of any country other than the United States of America registered in a medical or dental branch, school or college is \$800 per academic year of 12 months.

"(j) Tuition for nonresident students registered in a public junior college is as provided in Subsection (b), Section 130.003 of the Texas Education Code.

"(k) Tuition for students registered in a school of nursing as a nursing student is \$50 per semester and per 12-week summer session.

"(l) Tuition for students registered in a school of nursing as a nursing student for less than 12 semester credit hours of work or for less than a full semester credit hour or term hour load during a summer session shall pay an amount proportionately less than the amount provided in Subsection (k) of this section, but not less than \$20.

"(m) Twenty-five cents out of each hourly charge in Subsection (b) and \$1.50 out of each hourly charge in Subsection (c) of this section shall be placed in a scholarship fund at each institution to be administered by that institution to award scholarships to needy students. Standards for determining need shall be formulated by each institution. No more than 10 percent of said scholarship funds may be allocated to out-of-state students.

"(n) Notwithstanding the preceding provisions of this section, any nonresident student who is enrolled for the spring semester of 1971 in an institution covered by this section may continue to enroll at the same institution at the same tuition rate that was effective at the time of his original enrollment until one of the following conditions first occurs:

"(1) he receives the degree at the degree level (i.e., the baccalaureate, master's, or doctoral degree) toward which he is working during the spring semester of 1971; or

"(2) he voluntarily withdraws from the institution or the institution involuntarily withdraws the student for disciplinary reasons or for failing to meet the academic standards of the institution; or

"(3) the termination of the spring semester of 1975.

"(o) A teaching assistant, research assistant, or other student employee of any institution covered by this section is entitled to register himself, his spouse, and their children in a state institution of higher education by paying the tuition fees and other fees or charges required for Texas residents, without regard to the length of

time he has resided in Texas; provided that said student employee is employed at least one-half time in a position which relates to his degree program under rules and regulations established by the employer institution. This exemption shall continue for students employed two consecutive semesters through the summer session following such employment if the institution is unable to provide employment and, as determined under standards established by the institution, if the employee has satisfactorily completed his employment.

"(p) A nonresident student holding a competitive scholarship of at least \$200 for the academic year or summer for which he is enrolled is entitled to pay the fees and charges required of Texas residents without regard to the length of time he has resided in Texas, provided that he must compete with other students, including Texas residents, for the scholarship and that the scholarship must be awarded by a scholarship committee officially recognized by the administration of the institution of higher education.

"Section 54.054. NONRESIDENT STATUS; PRESUMPTION; RECLASSIFICATION. A nonresident student classification is presumed to be correct as long as the residence of the individual in the state is primarily for the purpose of attending an educational institution. After residing in Texas for at least 12 months, a nonresident student may be reclassified as a resident student as provided in the rules and regulations adopted by the Coordinating Board, Texas College and University System. Any individual reclassified as a resident student is entitled to pay the tuition fee for a resident of Texas at any subsequent registration as long as he continues to maintain his legal residence in Texas. Before February 15, 1972, the Coordinating Board, Texas College and University System, shall promulgate such rules and regulations.

"Section 54.055. PARENTS, CHANGE OF RESIDENCE TO ANOTHER STATE. An individual 21 years of age or under whose parents were formerly residents of Texas is entitled to pay the resident tuition fee following the parents' change of legal residence to another state, as long as the individual remains continuously enrolled in a regular session

in a state-supported institution of higher education.

"Section 54.057. ALIENS. An alien who is living in this country under a visa permitting permanent residence or who has filed with the proper federal immigration authorities a declaration of intention to become a citizen has the same privilege of qualifying for residence status for fee purposes under this Act as has a citizen of the United States. A resident alien residing in a junior college district located immediately adjacent to Texas boundary lines shall be charged the resident tuition by that junior college.

"Section 54.101. TUITION SCHOLARSHIPS. (a) The governing boards of the several state-supported institutions are hereby authorized and directed to have reserved and set apart in a separate account on the books of the respective institutions out of the fees levied and collected from students under Section 54.051 of this code an amount to be determined by the legislature for each institution in the biennial appropriation act, for the purpose of creating a special fund to be used in awarding tuition scholarships to needy resident students enrolled in such respective institutions, and a separate account on the books of the respective institutions out of the fees levied and collected from students under Section 54.051 of this code, an amount to be determined by the legislature for each institution in the biennial appropriation act, for the purpose of creating a special fund to be used in awarding tuition scholarships to needy alien students enrolled in such respective institutions.

"(b) Such tuition scholarships shall be awarded to students with the approval of the president or other administrative head of each such respective institution in accordance with such rules and regulations governing the award of such tuition scholarships as may be promulgated by the governing boards of said respective institutions. Rules and regulations shall be subject to the provisions of this section.

"(c) Eligibility shall be based primarily on financial need. In determining need, consideration should be given to the student's own efforts to finance his education as evidenced by part-time jobs, loans from private sources, or financial capacity of the parents.

"(d) Awards shall be based on character and satisfactory scholastic record.

"(e) Recipients of such tuition scholarships must be classified as either 'resident students' under the provisions of Subchapter B of this chapter or 'alien students.' For the purpose of this subsection, an 'alien student' is any student who is not a citizen of the United States and who is not entitled to resident status for purposes of payment of tuition under Section 54.057 of this code.

"(f) Tuition scholarships shall be awarded in an amount of \$25 per semester or \$50 per long session for each resident student and \$100 per semester or \$200 per long session for each alien student. The amount of such awards shall be credited to the student recipient as partial payment of his tuition fees. Students otherwise entitled to a refund shall receive the refund based only on that portion of the tuition actually paid by the student.

"(g) Tuition scholarships shall be awarded in an amount not to exceed \$125 per semester or \$250 per long session for each full-time resident medical or dental student. The amount of such awards shall be credited to the student as partial payment of his tuition fees. Students otherwise entitled to a refund of tuition shall receive the refund based only on that portion of the tuition actually paid by the student.

"(h) Not later than 30 days after the close of each fiscal year, each institution shall transfer any unused balances in the fund set up for scholarship awards to the tuition income account from which the scholarship fund was established." (Sec. 1-4, H. B. No. 43, 62nd Legis., Reg. Sess., 1971.)

Sec. 30. Subsection (b), Section 130.003, Texas Education Code, is amended to read as follows:

"(b) To be eligible for and to receive a proportionate share of the appropriation, a public junior college must:

"(1) be certified as a public junior college as prescribed in Section 61.063 of this code;

"(2) offer a minimum of 24 semester hours of vocational and/or terminal courses;

"(3) have complied with all existing laws, rules, and regulations governing

the establishment and maintenance of public junior colleges;

"(4) collect, from each full-time and part-time student enrolled, matriculation and other session fees in the amounts required and provided by law for other state-supported institutions of higher education, except that the amount charged non-residents need not be greater than the amount so required by law on January 1, 1971; and

"(5) grant when properly applied for, the scholarships and tuition exemptions provided for in this code; and

"(6) nothing in this section shall be construed to alter, amend, or repeal Section 54.060 of this code." (Sec. 5, H. B. 43, 62nd Legis., Reg. Sess., 1971.)

Sec. 31. Subchapter E, Chapter 130, Texas Education Code, is amended by adding Section 130.085, to read as follows:

"Section 130.085. TUITION EXEMPTION. (a) The board of trustees of any public junior college may exempt from payment of tuition all students who are residents of the junior college district and who are enrolled for 12 or more semester credit hours, provided that this action will allow the college to participate in and benefit from funds available as provided by Sections 1-7, Title I, 64 Stat. 1100, as amended, 20 U.S.C. Secs. 236-241-1.

"(b) This action by the board of trustees does not affect their authority under Section 130.123 of this code, nor does this section in any way supersede that section. This action of the board does not affect the right of the college to a proportionate share of state appropriations under Section 130.003 of this code." (Sec. 6, H. B. No. 43, 62nd Legis., Reg. Sess. 1971.)

Sec. 32. Subchapter I, Chapter 21, Texas Education Code, is amended by adding Section 21.308 to read as follows:

"Section 21.308. SECURITY PERSONNEL. (a) The governing board of any school district may employ security personnel for use in any school within its district when the board in its discretion determines that the personnel are necessary.

"(b) All costs incurred by a school district in employing security personnel shall be borne by the school district." (H. B. No. 1007, 62nd Legis., Reg. Sess., 1971.)

Sec. 33. Subchapter D, Chapter 54, Texas Education Code, is amended by adding Section 54.209, to read as follows:

"Section 54.209. CHILDREN OF PRISONERS OF WAR OR PERSONS MISSING IN ACTION. (a) In this section:

"(1) 'Dependent child' means a person under 21 years of age, or a person under 25 years of age who receives the majority of his support from his parent or parents.

"(2) 'Tuition and fees' includes tuition, service fees, lab fees, building use fees, and all other fees except room, board, or clothing fees, or deposits in the nature of security for the return or proper care of property.

"(b) The governing body of each institution of higher education, on presentation of satisfactory evidence, shall exempt from the payment of tuition and fees the dependent child of any person who is a domiciliary of Texas on active duty as a member of the armed forces of the United States, and who at the time of the registration is classified by the Department of Defense as a prisoner of war or as missing in action." (H. B. No. 548, 62nd Legis., Reg. Sess., 1971.)

Sec. 34. Subchapter C, Chapter 17, Texas Education Code, is amended by adding a Section 17.65 to read as follows:

"Section 17.65. ABOLITION OF OFFICE: COUNTIES WITH NO COMMON SCHOOL DISTRICTS.

(a) The office of county superintendent is abolished in all counties which have within them no common school districts, or school districts classified as common school districts.

"(b) Upon abolition of the office of county superintendent in any county, the duties and functions of such office, insofar as the same involve recommendations or approvals concerning the operations of the respective districts, shall devolve upon and be performed by the superintendent of schools of the independent school districts affected. The powers and functions assigned to the office of county superintendent under Sections 16.15 and 16.17, Texas Education Code, shall devolve upon and be performed by the executive director of the regional education service center of the region embracing such county; and all other powers and duties devolved by law upon the office of county superintendent shall be performed, ex officio, by the county judge

of such county, without compensation from the state. All unused budget funds remaining at the expiration of the office shall revert back to their source.

"(c) Nothing in this section shall apply to counties of 900,000 or more where the county superintendent and his staff are paid by the county. There shall be a county superintendent's office in these counties whether or not there is a common school district therein. The salaries of the county superintendent and his employees shall be set by the school board in said county.

"(d) All counties in which an equalization fund has heretofore been created are hereby authorized to continue to levy, assess and collect in the same manner the same rate of tax or not to exceed the rate of tax heretofore authorized or attempted to be authorized by any election of the taxpaying voters of the county under any Act heretofore passed by the legislature, whether general or special; it being intended that the repeal of statutes by this Act shall not repeal or affect any tax or authority or power heretofore granted by the legislature under which any tax has heretofore been authorized or attempted to be authorized by an election held under any Act or Acts of the legislature heretofore enacted, whether general or special.

"(e) The effective date of the abolition of the office of county school superintendent shall be at the expiration of the present term of office of the present county superintendent, the intent being that the present county superintendent in each of these counties shall serve the remainder of his elected term of office.

"(f) Nothing in this section shall work an abolishment of the office of county school superintendent as long as the present holders of such office continue to hold same by continuous election; however, when the present holder of such office is defeated in any election, or the office of county school superintendent is vacated by death or resignation, such office shall be abolished as prescribed in this section." (H. B. No. 628, 62nd Legis., Reg. Sess., 1971.)

Sec. 35. Subsection (a), Section 51.353, Texas Education Code, is amended to read as follows:

"(a) There is hereby established an optional retirement program. Participation in the optional retirement program is in lieu of active mem-

bership in the retirement system. The governing boards of all institutions of higher education shall make available to all faculty members in their component institutions, agencies, and units the optional retirement program which shall provide for the vesting of benefits after one year of participation in one or more plans operating pursuant to this Act in one or more institutions of higher education." (S. B. No. 421, 62nd Legis., Reg. Sess., 1971.)

Sec. 36. Subtitle F, Texas Education Code, is amended by adding Chapter 113 to read as follows:

#### "CHAPTER 113. TYLER STATE COLLEGE

##### "SUBCHAPTER A. GENERAL PROVISIONS

"Sec. 113.01. TYLER STATE COLLEGE. There is created and established in the city of Tyler a coeducational institution of higher education to be known as Tyler State College. The college shall be organized to accept only junior-, senior-, and graduate-level students.

"Sec. 113.02. ROLE AND SCOPE. The role and scope of the college shall be defined by the Coordinating Board, Texas College and University System.

##### "SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

"Sec. 113.11. BOARD OF REGENTS. The organization, control, and management of the college is vested in a board of nine regents appointed by the governor and confirmed by the senate.

"Sec. 113.12. QUALIFICATIONS; OATH. Each member of the board shall be a citizen of the State of Texas and shall take the constitutional oath of office.

"Sec. 113.13. TERMS OF OFFICE; VACANCIES. (a) Members of the board hold office for staggered terms of six years, with the terms of three members expiring on January 31 of each odd-numbered year. In making the initial appointments, the governor shall designate three members for terms expiring in 1973, three for terms expiring in 1975, and three for terms expiring in 1977.

"(b) Any vacancy on the board shall be filled for the unexpired term by appointment of the governor.

"Sec. 113.14. COMPENSATION OF BOARD. Members of the board serve without compensation but are entitled to reimbursement for actual expenses incurred in attending the work of the board.

"Sec. 113.15. CHAIRMAN; BY-LAWS. The board shall elect a chairman from among its membership and shall enact bylaws governing the conduct of the board.

"Sec. 113.16. MEETINGS. The board shall hold an annual meeting on the campus of the college during the month of April, and at other times and places scheduled by the board or designated by its chairman.

"Sec. 113.17. MINUTES. The board shall cause accurate and complete minutes of its meetings to be maintained. The minutes shall be open to the public for inspection at the college during regular business hours, and certified copies of the minutes shall be furnished to anyone on payment of a fee set by the board.

#### "SUBCHAPTER C. POWERS AND DUTIES

"Sec. 113.31. RULES AND REGULATIONS. The board shall promulgate rules and regulations necessary for the successful management and operation of the college.

"Sec. 113.32. PRESIDENT. The board may appoint and remove the president, any faculty member, or other officer or employee of the college and shall fix their respective salaries. The president is the executive officer of the college and is responsible for its general management. He shall recommend a plan of organization and orderly course development for the college.

"Sec. 113.33. SUITS; VENUE; CITATION. The board may sue and be sued in the name of the college. Venue is in either Smith or Travis County. The college may be impleaded by service of citation on its president, and legislative consent to suits against the college is granted.

"Sec. 113.34. REPORTS. The board shall make reports to the coordinating board as required by law.

"Sec. 113.35. GIFTS AND GRANTS. The board may accept donations, gifts, and endowments for the college. They are to be held in trust and administered by the board according to the purposes, directions, limitations, and provisions declared in writing in the donation, gift, or endowment. The provisions of the gift, donation, or endowment shall be followed to the extent that they are not inconsistent with the laws of this state or with the objective and proper management of the college.

"Sec. 113.36. MANAGEMENT OF PROPERTY. The board is vested with the exclusive management of all

property owned by the college. The board may make any agreements necessary to the effective management of the college's property. All money received shall be deposited in the state treasury to the credit of a special fund, which may be invested, and the principal and income of the fund may be expended, on appropriation by the legislature, for the administration of the college." (S. B. No. 419, 62nd Legis., Reg. Sess., 1971.)

Sec. 37. Section 65.31, Texas Education Code, is amended to read as follows:

"Section 65.31. GENERAL POWERS AND DUTIES. (a) The board is authorized and directed to govern, operate, support, and maintain each of the component institutions that are now or may hereafter be included in a part of The University of Texas System.

"(b) The board is authorized to prescribe for each of the component institutions courses and programs leading to such degrees as are customarily offered in outstanding American universities, and to award all such degrees. It is the intent of the legislature that such degrees shall include baccalaureate, master's, and doctoral degrees, and their equivalents, but no new department, school, or degree-program shall be instituted without the prior approval of the Coordinating Board, Texas College and University System.

"(c) The board has authority to promulgate and enforce such other rules and regulations for the operation, control, and management of the university system and the component institutions thereof as the board may deem either necessary or desirable. The board is specifically authorized and empowered to determine and prescribe the number of students that shall be admitted to any course, department, school, college, degree-program, or institution under its governance.

"(d) The board is specifically authorized to make joint appointments in the component institutions under its governance. The salary of any person who receives such joint appointment shall be apportioned to the appointing institutions on the basis of services rendered.

"(e) The board is specifically authorized, upon terms and conditions acceptable to it, to accept and admin-

ister gifts, grants, or donations of any kind, from any source, for use by the system or any of the component institutions of the system.

"(f) No component institution which is not authorized to offer a four-year undergraduate program shall offer a four-year undergraduate program without the specific authorization of the legislature." (Sec. 1, H. B. No. 474, 62nd Legis., Reg. Sess., 1971.)

Sec. 38. Chapter 68, Texas Education Code, is amended by adding a Section 68.03 to read as follows:

"Section 68.03. **ROLE AND SCOPE; COURSES AND DEGREES.** The board is authorized to maintain, operate, and administer The University of Texas at Arlington as a general academic institution of higher education offering a standard four-year undergraduate program. The board shall have the authority to prescribe courses leading to such customary degrees as are offered at leading American universities and to award such degrees. It is the intent of the legislature that such degrees shall include baccalaureate, master's, and doctoral degrees and their equivalents; but no department, school, or degree program shall be instituted except with the prior approval of the Coordinating Board, Texas College and University System." (Sec. 2, H. B. No. 474, 62nd Legis., Reg. Sess., 1971.)

Sec. 39. Subchapter D, Chapter 67, Texas Education Code, is amended by adding a Section 67.62 to read as follows:

"Section 67.62. **PROGRAMS, COURSES, FACILITIES.** The institute shall conduct a comprehensive instructional program in marine science, resources, and engineering at the graduate level and offer undergraduate courses for those students interested in the marine environment, and perform basic and applied research as a coastal zone laboratory in the coastal marine environment; and may provide a shore-based facility, including, but not limited to, laboratories, boats, classrooms, dormitories, and a cafeteria for faculty and students who are engaged in studies of the marine environment." (Sec. 3, H. B. No. 474, 62nd Legis., Reg. Sess., 1971.)

Sec. 40. Subchapter C, Chapter 67, Texas Education Code, is amended by adding a Section 67.52 to read as follows:

"Sec. 67.52. **PROGRAMS.** The observatory shall conduct basic research in astronomy, along with optical and radio astronomy research, toward the establishment of a highly developed astronomy and space-science programs, including the acquisition and support of the technical and maintenance staffs and facilities essential to the operation of an observatory of the first class, and may assist in the conduct of a comprehensive instructional program in astronomy and space science." (Sec. 4, H. B. No. 474, 62nd Legis., Reg. Sess., 1971.)

Sec. 41. Subchapter C, Chapter 54, Texas Education Code, is amended by adding Section 54.102 to read as follows:

"Section 54.102. **NURSING STUDENTS.** The governing boards of Texas Woman's University, The University of Texas System, Prairie View Agricultural and Mechanical College, and West Texas State University may grant nursing tuition scholarships to students enrolled in a baccalaureate nursing program. Each scholarship shall be granted only after a review of the economic circumstances and need of the individual student and may be in an amount deemed necessary to cover any part, or all, of the tuition of the student. Each governing board may prescribe rules, regulations, and the conditions of general effect applicable to the awarding of nursing tuition scholarships." (S. B. No. 908, 62nd Legis., Reg. Sess., 1971.)

Sec. 42. Subchapter Z, Chapter 51, Texas Election Code, is amended by adding a Section 51.905 to read as follows:

"Section 51.905. **STATE-OWNED MUSEUM BUILDINGS.** (a) The governing board of each state-supported institution of higher education commonly referred to as a senior college shall formulate and adopt reasonable rules and regulations for the use of a state-owned museum building located on its campus, including the designation of rooms or areas in honor of donors or other benefactors, if appropriate, and shall administer the expenditure of all state funds appropriated for construction, equipment, operation, maintenance, or improvement of such museum, including restoration or refurbishing of collections.

"(b) A historical society or group incorporated as a non-profit organization may not house an exhibit or collection in a state-owned museum building located on a campus referred to in Subsection (a) of this section if a member of a governing group elected by the board of directors of the nonprofit corporation to administer the affairs of the corporation is elected to succeed himself after serving two one-year consecutive terms.

"(c) If state funds appropriated for construction, equipment, operation, maintenance, or improvement of a museum located on a college or university campus referred to in Subsection (a) of this section are used or expended conjunctively with funds belonging to a historical society or group incorporated as a nonprofit organization, the state auditor is granted authority and it shall be his duty to perform an audit of all accounts, books, and other financial records of the state government and the nonprofit corporation pertaining to the expenditure of funds which have been used or expended jointly for constructing, equipping, operating, maintaining, or improving such museum. The state auditor shall prepare a written report or reports of such audit or audits to the legislative audit committee and the governing board of the state-supported institution of higher education.

"(d) No employee of a museum located on a campus referred to in Subsection (a) of this section, who is paid in whole or in part by state funds may be employed or discharged except with the approval and consent of the governing board of the state-supported institution on which campus the museum is located." (S. B. No. 1021, 62nd Legis., Reg. Sess., 1971).

Sec. 43. Subchapter C, Chapter 61, Texas Education Code, is amended by adding Section 61.071 to read as follows:

"Section 61.071. CONTRACT WITH UNITED STATES FOR NEW MEDICAL SCHOOL. The board may negotiate and contract with the appropriate agency or agencies of the United States for the establishment, operation, and maintenance of a medical school to be located at or in connection with any Veterans Administration facility that may be made available for the purpose. In any such con-

tract, the board shall designate one of two university systems or another appropriate state-supported institution of higher education under whose governing board the medical school shall be operated." (S. B. No. 1028, 62nd Legis., Reg. Sess., 1971).

Sec. 44. Subchapter C, Chapter 16, Texas Education Code, is amended by adding a Section 16.22 to read as follows:

"Section 16.22. ADMINISTRATION-OFFICE ASSIGNMENTS. For utilization of classroom teacher unit allotment purposes, the Central Education Agency shall regard and recognize as classroom teacher(s) within the definition of 'teacher' as described in the Texas State Public Education Compensation Plan, teacher certificated personnel employed or assigned by any school district to teach, as classroom teachers, and/or to perform administration-office assignments or tasks." (S. B. No. 990, 62nd Legis., Reg. Sess., 1971).

Sec. 45. Each section of this article takes effect only if and when the legislation on which it is based takes effect, but not earlier than September 1, 1971.

Sec. 46. All provisions of the Code Construction Act (Article 5429b-2, Vernon's Texas Civil Statutes) apply to this article.

Sec. 47. This article is intended as a codification only, and nothing in this article is intended to effect any substantive change in the law.

Sec. 48. As each section of this article takes effect, the Act on which it is based is repealed.

Sec. 49. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force as specifically provided, and it is so enacted.

The House amendment was read.

Senator Watson moved that the Senate concur in the House amendment.

The motion prevailed.

Senate Bill 72 with  
House Amendments

Senator Brooks called S. B. No. 72 from the President's table for con-



sideration of the House amendments to the bill.

The Presiding Officer laid the bill and the following House amendments before the Senate:

**Committee Amendment No. 1**

Amend Section 3(c) of Senate Bill 72 to read as follows:

"(c) No person appointed to the police reserve force may carry a weapon or otherwise act as a peace officer until he has been approved by the governing body. After approval, he may carry a weapon only when authorized by the Chief of Police and when discharging official duties as a duly constituted peace officer."

**Committee Amendment No. 2**

Amend Subsection (b) of Section 2A of Section 4 of Senate Bill 72 to read as follows:

"(b) The Commission shall establish minimum physical, mental, educational and moral standards for all reserve law enforcement officers which must be met prior to the officer's being appointed as a reserve law enforcement officer."

**Amendment No. 3**

Amend S. B. No. 72, First Printing, by inserting "identical to the standards established for peace officers in permanent positions" between "officers" and "which" on line 16, page 3.

The House amendments were read.

Senator Brooks moved that the Senate concur in the House amendments.

The motion prevailed.

**Report of Standing Committee**

By unanimous consent, Senator McKool submitted the following report for the Committee on Privileges and Elections:

C. S. H. B. No. 1488. (Read first time).

(President in Chair.)

**House Bill 1488 Ordered Not Printed**

On motion of Senator Mauzy and by unanimous consent, H. B. No. 1488 was ordered not printed.

**Report of Standing Committee**

By unanimous consent, Senator Hall submitted the following report for the

Committee on County, District and Urban Affairs:

H. B. No. 1397.

**House Bill 1397 Ordered Not Printed**

On motion of Senator Wallace and by unanimous consent H. B. No. 1397 was ordered not printed.

**House Bills and Resolutions Signed**

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

H. B. No. 267.

H. B. No. 268.

H. B. No. 322.

H. B. No. 333.

H. B. No. 474.

H. B. No. 680.

H. B. No. 930.

H. B. No. 1273.

H. B. No. 1459.

H. B. No. 1680.

H. B. No. 1733.

H. B. No. 1765.

H. B. No. 1848.

H. B. No. 1482.

H. B. No. 1213.

H. B. No. 655.

H. B. No. 979.

H. B. No. 988.

H. B. No. 1674.

H. B. No. 1774.

H. B. No. 1888.

H. C. R. No. 32.

H. C. R. No. 104.

H. C. R. No. 122.

H. C. R. No. 184.

H. C. R. No. 192.

**Committee Substitute**

**House Bill 1488 on Second Reading**

On motion of of Senator Mauzy and by unanimous consent, the regular

order of business and Senate Rules 35 and 36 were suspended to take up for consideration at this time on its second reading and passage to third reading:

C. S. H. B. No. 1488:

**A BILL  
TO BE ENTITLED**

An Act relating to the time and method of making nominations for offices which are filled by election; the time of holding and the method of administering, conducting, and financing primary elections; nominations made by other methods, including nominations for city offices; the organization, officers, conventions, and other affairs of political parties; and related matters; amending, revising, and rearranging all of Chapter 13 (Sections 179 through 236), Texas Election Code (Articles 13.01 through 13.59, Vernon's Texas Election Code); also amending the Texas Election Code as follows: amending Subsection (d) of Section 15 (Article 3.01), Subsections (b) and (c) of Section 22 (Article 3.08), Section 1 of Section 32a (Article 4.10), Paragraph (5), subdivision 1a of Section 37 (Article 5.05), Subsections (b) and (e) of Section 58 (Article 6.02), Sections 3 and 10 of Section 79 (Article 7.14), Paragraph (c), Subdivision 5 of Section 80 (Article 7.15), Subsection (b) of Section 104 (Article 8.22), Section 106 (Article 8.24), Sections 1, 2, and 3 of Section 107 (Article 8.25), Paragraph (1), Subsection (a) of Section 111b (Article 8.29b), Section 112 (Article 8.30), and Paragraph (a), Subdivision 2 of Section 166a (Article 9.38a), adding Paragraphs (e) and (f), Subdivision 1 of Section 61c (Article 6.05c); and declaring an emergency.

The bill was read second time.

Senator Creighton offered the following amendment to the bill:

Amend Section 2, same being Subsection (1), Section 186, Texas Election Code as amended (Article 13.08, Vernon's Texas Election Code) C. S. H. B. No. 1488, at line 25 of said Section 2 by deleting the word "two" in said line 25 and substituting in lieu thereof the word "five."

The amendment was read.

Senator Mauzy moved to table the amendment.

Question on the motion to table, "Yeas" and "Nays" were demanded.

The motion to table was lost by the following vote:

**Yeas—10**

Beckworth	Kennard
Bernal	Kothmann
Bridges	Mauzy
Harrington	McKool
Jordan	Schwartz

**Nays—18**

Aikin	Herring
Bates	Hightower
Blanchard	Patman
Brooks	Ratliff
Christie	Sherman
Connally	Snelson
Creighton	Wallace
Grover	Watson
Harris	Wilson

**Absent**

Hall	Word
Moore	

Question recurring on the adoption of the amendment, the amendment was adopted.

The bill as amended passed to third reading.

**Record of Votes**

Senators Mauzy and McKool asked to be recorded as voting "Nay" on the passage of the bill to third reading.

**Committee Substitute  
House Bill 1488 on Third Reading**

Senator Creighton moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that C. S. H. B. No. 1488 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—23**

Aikin	Connally
Bates	Creighton
Beckworth	Grover
Blanchard	Harris
Bridges	Herring
Brooks	Hightower
Christie	Jordan

Kennard	Snelson
Kothmann	Wallace
Patman	Watson
Ratliff	Wilson
Sherman	

Nays—5

Bernal	McKool
Harrington	Schwartz
Mauzy	

Absent

Hall	Word
Moore	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Record of Votes

Senators Mauzy and McKool asked to be recorded as voting "Nay" on the final passage of the bill.

#### Vote on Final Passage of Adoption of Conference Committee Report on Senate Bill 803 Reconsidered

On motion of Senator Patman and by unanimous consent that portion of Senate Rule 52 relating to reconsideration was suspended.

On motion of Senator Patman and by unanimous consent, the vote by which the Conference Committee Report on S. B. No. 803 was adopted was reconsidered.

Question—Shall the Conference Committee Report on S. B. No. 803 be adopted?

The Conference Committee Report on S. B. No. 803 was withdrawn.

Senator Patman moved that the Senate concur in House amendments to S. B. No. 803.

The motion prevailed by the following vote:

Yeas—31

Aikin	Connally
Bates	Creighton
Beckworth	Grover
Bernal	Hall
Blanchard	Harrington
Bridges	Harris
Brooks	Herring
Christie	Hightower

Jordan	Schwartz
Kennard	Sherman
Kothmann	Snelson
Mauzy	Wallace
McKool	Watson
Moore	Wilson
Patman	Word
Ratliff	

#### Senate Resolution 1479

By unanimous consent, Senator Jordan offered the following resolution:

S. R. No. 1479, Providing for the creation of an Interim Committee to study Workmen's Compensation.

The resolution was read and was adopted.

#### House Joint Resolution 58 on Third Reading

The President laid before the Senate on its third reading and final passage:

H. J. R. No. 58, Proposing an amendment to Article III, Section 24, and Article IV, Section 17, Constitution of the State of Texas to provide for an annual salary of \$22,500 for the Lieutenant Governor and the Speaker of the House of Representatives, and \$8,400 for Members of the Senate and House of Representatives, and to extend to 120 days only of the Regular Session the per diem allowance of Members of the Legislature.

The resolution was read third time and passed by the following vote:

Yeas—23

Bates	Jordan
Beckworth	Kennard
Blanchard	Kothmann
Bridges	McKool
Brooks	Patman
Christie	Schwartz
Connally	Sherman
Creighton	Snelson
Hall	Wallace
Harrington	Wilson
Herring	Word
Hightower	

Nays—8

Aikin	Mauzy
Bernal	Moore
Grover	Ratliff
Harris	Watson

**House Bill 1397 on Second Reading**

On motion of Senator Wallace and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 1397, A bill to be entitled "An Act relating to city depositories; amending Article 2559, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

The bill was read second time and passed to third reading.

**House Bill 1397 on Third Reading**

Senator Wallace moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 1397 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**Senate Bill 18 with House Amendment**

Senator Herring called S. B. No. 18 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the following House amendment before the Senate:

**Committee Amendment No. 1**

Amend Senate Bill 18 by striking all below the enacting clause and substituting therefor the following:

Section 1. The State of Texas hereby grants and conveys all right, title and interest of the State of Texas to the Austin Independent School District in and to the property dedicated on the map of the Original City of Austin as "Academy" and as "University" and located between Mesquite Street (now known as 11th Street) and Peach Street (now known as 13th Street) and Rio Grande Street and West Avenue, in Austin, Travis County, Texas, so long as said property is used by the Austin Independent School District for public educational purposes. The State of Texas hereby specifically retains a right of reverter in said property and the title thereto shall automatically revert to and vest in the State of Texas in the event said property shall be abandoned or cease to be used by the Austin Independent School District for public educational purposes.

Sec. 2. The fact, that the Austin Independent School District and its predecessor, the Austin Public Free Schools, beginning in the year 1876, have used, occupied, enjoyed and conducted public free schools on the property designated on the map of the Original City of Austin as "Academy" and as "University" and located between Mesquite Street (now known as 11th Street) and Peach Street (now known as 13th Street) and Rio Grande Street and West Avenue, and have bought adjoining properties for the purpose of better carrying out said public free school purposes; and the further fact, that this Act will assist and aid the Austin Independent School District in carrying out its governmental function in operating public free schools in the Capital of the State of Texas and that the postponement of the effective date of this Act could delay the carrying out of said function, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended; and this Act shall take effect from and after its passage, and it is so enacted.

The House amendment was read.

Senator Herring moved that the Senate concur in the House amendment.

The motion prevailed.

**Senate Bill 1036 with  
House Amendments**

Senator Hightower called S. B. No. 1036 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

**Amendment No. 1**

Amend S. B. No. 1036 by striking all below the enacting clause and substituting the following:

Section 1. Subsection (b), Section 51.003, Texas Education Code, as amended by H. B. No. 43, Acts of the 62nd Legislature, Regular Session, 1971, is amended to read as follows:

"(b) To be eligible for and to receive a proportionate share of the appropriation, a public junior college must:

"(1) be certified as a public junior college as prescribed in Section 51.002 (a) (2) of this code;

"(2) offer a minimum of 24 semester hours of vocational and/or terminal courses;

"(3) have complied with all existing laws, rules, and regulations governing the establishment and maintenance of public junior colleges;

"(4) collect, from each full-time and part-time student enrolled, matriculation and other session fees in the amounts required and provided by law for other state-supported institutions of higher education, except that the amount charged non-residents need not be greater than the amount so required by law on January 1, 1971, and that notwithstanding the provisions of Item 1, Subsection (a), Section 1, Chapter 196, Acts of the 43rd Legislature, 1933, as amended (Article 2654c, Vernon's Texas Civil Statutes), the minimum tuition charge for resident students shall be Twenty-five Dollars (\$25); and

"(5) grant when properly applied for, the scholarships and tuition exemptions provided for in this code."

Sec. 2. Subdivisions (1) and (7), Subsection (a), Section 1, Chapter 196, Acts of the 43rd Legislature, Regular Session, 1933, as last amended by H. B. No. 43, Acts of the 62nd Legislature, Regular Session, 1971 (Article 2654c, Vernon's Texas Civil Statutes, are amended to read as follows:

"(1) Tuition for resident students, except as otherwise hereinafter provided, is Four Dollars (\$4) per semester credit hour, but the total of such charge shall be not less than Fifty Dollars (\$50) per semester or twelve (12) week summer session, and not less than Twenty-five Dollars (\$25) per six (6) week summer term.

"(7) Tuition for students who are citizens of any country other than the United States of America is Fourteen Dollars (\$14) per semester credit hour, but the total of such charge shall be not less than Two Hundred Dollars (\$200) per semester or twelve (12) week summer session, and not less than One Hundred Dollars (\$100) per six (6) week summer term."

Sec. 3. This Act takes effect August 15, 1971.

Sec. 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended.

**Amendment No. 2**

Amend S. B. No. 1036 by striking all above the enacting clause and substituting the following:

**A BILL  
TO BE ENTITLED**

An Act relating to the minimum tuition fees charged at institutions of higher education; amending Subsection (b), Section 51.003, Texas Education Code, as amended; amending Subdivisions (1) and (7), Subsection (a), Section 1, Chapter 196, Acts of the 43rd Legislature, Regular Session, 1933, as amended (Article 2654c, Vernon's Texas Civil Statutes); and declaring an emergency."

The House amendments were read.

Senator Hightower moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—31

Aikin  
Bates

Beckworth  
Bernal

Blanchard	Kothmann
Bridges	Mauzy
Brooks	McKool
Christie	Moore
Connally	Patman
Creighton	Ratliff
Grover	Schwartz
Hall	Sherman
Harrington	Snelson
Harris	Wallace
Herring	Watson
Hightower	Wilson
Jordan	Word
Kennard	

**Senate Resolution 1494**

Senator Aikin offered the following resolution:

Austin, Texas,  
May 31, 1971.

Honorable Ben Barnes, President of the Senate.

Austin, Texas

Sir:

At a caucus held on May 31, and attended by 31 members of the Senate, the following recommendations were made; to-wit:

**BE IT RESOLVED BY THE SENATE,**

The Lieutenant Governor may employ such employees as are necessary for the operation of his office from the closing of this session and until the convening of the next session, and in addition thereto he and the Secretary of the Senate shall be furnished postage, telegraph, telephone, express and all other expenses incident to their respective offices.

The Secretary of the Senate shall be retained during the interval between adjournment of this session and the convening of the next session of the Legislature, for which services he shall receive \$2,000.00 per month. The Secretary of the Senate may employ such employees as are necessary for the operation of his office and to perform duties as may be required in connection with the business of the State from the closing of this session and until the convening of the next session.

The Lieutenant Governor is authorized to name a Sergeant-at-Arms and a number of assistants as necessary in the operation of the Senate until the convening of the next session.

Each Senate office shall be allowed a salary budget of \$600.00 to be expended for the purpose of concluding the work of the Regular Session and such salary budget shall be an expense of the Regular Session.

The Administrative Chairman is authorized to retain a sufficient number of staff employees to conclude the work of the Enrolling Room, Staff Services Room, Calendar Clerk and Journal Clerk.

The Chairman of the Senate Committee on Administration is hereby authorized and directed to cause the Senate Chamber to be placed in order and an inventory made of all furniture and fixtures in the Senate Chamber and in the private offices of the members, as well as of the supplies and equipment on hand in the room of the Sergeant-at-Arms, and close his books for the Regular Session of the Sixty-Second Legislature. No equipment shall be acquired on a rental/purchase plan unless such equipment be placed on the Senate inventory at the termination of such plan. He shall also examine records and accounts payable out of the Contingent Expense Fund as shall be necessary, properly to approve all claims and accounts against the Senate, and no claim or account shall be paid without his consent and approval, and he and any member of the Administration Committee shall be entitled to receive his actual and necessary expenses incurred during the interim; and be it further

**RESOLVED,** That there shall be printed 325 volumes of the Senate Journal of the Regular Session of the Sixty-Second Legislature and when complete, 250 copies shall be bound in buckram and delivered to the Secretary of the Senate and one volume thus bound shall be forwarded by the Secretary of the Senate to each member of the Senate and House of Representatives, to the Lieutenant Governor, and 75 paper bound copies shall be furnished to the State Library. The printing of such journals shall be done in accordance with the provisions of this resolution under the supervision of the Chairman of the Committee on Administration; provided, further, that it shall be the duty of said Chairman to refuse to receive or receipt for said Senate Journals until corrected and published in accordance with the pre-existing law as finally approved by the Chairman of the Committee on Adminis-

tration of the Senate. When the accounts have been certified to by the Chairman of the Committee on Administration of the Senate, said accounts shall be paid out of the Contingent Expense Fund of the Sixty-Second Legislature; and, be it further

RESOLVED, That all salaries herein authorized to be incurred and paid for shall be paid out of the per diem and contingent expense fund of the Sixty-Second Legislature upon vouchers signed by the Lieutenant Governor and the Secretary of the Senate. All warrants for the payment of materials, supplies and expenses of the Senate shall be paid upon vouchers signed by the Lieutenant Governor and Chairman of the Senate Committee on Administration; and, be it further

RESOLVED, That in furtherance of the Legislative duties and responsibilities of the Senate, the Administration Committee is hereby authorized and directed to charge to the individual members office budget as herein-after authorized: (1) reimbursement of all actual expenses incurred by the members when traveling in performance of such duties and responsibilities or incident thereto, and, (2) payment of all other reasonable and necessary expenses for the operation of the office of the individual Senator during any period the Legislature is not in Session. Expenditures for these services by the Administration Committee is hereby authorized as an expense of the Senate and shall not be restricted to Austin, but may be incurred in individual Senatorial Dis-

tricts. Such expenses shall be paid from funds appropriated for the use of the Senate on vouchers approved by the Chairman of the Administration Committee and the Lieutenant Governor in accordance with regulations governing such expenditures; and, be it further

RESOLVED, That any reimbursement for actual travel expenses or other reasonable and necessary expenses incurred in the furtherance and performance of legislative duties or the operation of the office or incident thereto should not exceed \$1,700.00 for the months of June, July and August, 1971. Beginning September 1, 1971, and continuing through the interim until the convening of the 63rd Legislature, Regular Session, but not including the duration of any Special Session, the office budget should not exceed \$2,400.00 per month. In no instance, however, shall the interim total expenditure for travel expenses and the operation of the office of any member exceed the monthly amount times the number of months or parts thereof comprising the interim. The Sergeant-at-Arms and the Secretary of the Senate are instructed not to prepare for payment any expense in excess of such amount.

The total amount of expenses of any kind allowable hereunder for any member shall be cumulative.

It is further recommended that each employee of the Senate except elected officers be classified pursuant to the following schedule:

Title	Class No.	Group	Salary and Step Range
Administrative Secretary .....	0138	09	630 (5) - 651 (6) - 673 (7)
Administrative Technician I....	1501	08	571 (5) - 610 (6) - 630 (7)
Administrative Technician II....	1502	11	719 (5) - 743 (6) - 768 (7)
Administrative Technician III....	1503	15	906 (3) - 968 (5) - 1034 (7)
Information Specialist I.....	1892	14	794 (1) - 820 (2) - 848 (3)
Secretary III .....	0135	07	534 (5) - 552 (6) - 571 (7)
Secretary II .....	0133	05	468 (5) - 484 (6) - 500 (7)
Stenographer I .....	0126	04	438 (5) - 453 (6) - 468 (7)
Clerk Typist II .....	0106	04	384 (1) - 397 (2) - 410 (3)
Clerk I.....	0051	02	337 (1) - 348 (2) - 360 (3)
Messenger .....	0011	02	384 (5) - 397 (6) - 410 (2)

Employees who do not readily fit one of the above classified positions may be assigned a title under the General Classified Positions outlined in the General Appropriations Act; and be it further

RESOLVED, That the cash balance on hand under the provisions of S. R. No. 15 of the Forty-seventh Legislature be turned over to the Secretary

of the Senate and he is directed to have full charge of the vending machines and to expend receipts thereof as now authorized by said Resolution; and, be it further

RESOLVED, That the Lieutenant Governor and the Chairman of the Senate Committee on Administration shall have authority to employ such additional personnel as may from

time to time be required and to purchase such supplies and to make all such repairs and improvements as are necessary between the adjournment of this session and the convening of the next session of the Legislature; and, be it further

**RESOLVED**, That the Chairman of the Finance Committee shall have authority to employ such additional employees of his own selection as may be needed by said committee, said employees to receive the same compensation paid similar positions as herein fixed, who shall discharge the duties of the Finance Committee; and, be it further

**RESOLVED**, That the Lieutenant Governor shall have the authority to appoint any member of the Senate, the Secretary of the Senate or other Senate employee to attend National Legislative Conferences and other similar meetings. Necessary and actual expenses are hereby authorized upon the approval of the Chairman of the Administration Committee; and, be it further

**RESOLVED**, That with the approval of the Lieutenant Governor and the Chairman of the Committee on Administration, the actual expenses of members serving on interim committees whose expenses are not otherwise provided for shall be reimbursed from the Contingent Expense Fund.

The Sergeant-at-Arms is specifically directed not to permit the removal of any of the property of the Senate from the Senate Chamber or the rooms of the Senate unless authorized by the chairman of the Administration Committee.

Respectfully submitted,

A. M. AIKIN, JR.

Chairman of the Caucus

CHARLES HERRING

Secretary of the Caucus

#### Record of Votes

Senators Aikin, Patman, Herring, Sherman, Harris, Grover, Connally, Ratliff, Creighton, Word, Snelson, Blanchard, Kennard and Hightower asked to be recorded as voting "Nay" on the adoption of the resolution.

#### Election of President Pro Tempore Ad Interim for the Regular Session of the Sixty-second Legislature

The President announced the election of the President Pro Tempore

Ad Interim as the next order of business.

Senator Hightower nominated Senator W. E. (Pete) Snelson of Midland as President Pro Tempore Ad Interim of the Regular Session of the Sixty-second Legislature.

Senators Herring, Schwartz, Blanchard, Watson, Creighton, Kennard, Aikin and Patman seconded the nomination of Senator Snelson as President Pro Tempore Ad Interim of the Regular Session of the Sixty-second Legislature.

There being no further nominations, the President appointed Senators Hightower and Wallace as tellers to take up and count the ballots.

The ballots were taken up and counted and the President announced that Senator Snelson had received 30 votes with one present and not voting for President Pro Tempore Ad Interim of the Regular Session of the Sixty-second Legislature and declared him duly elected.

Senators Aikin, Creighton, Schwartz, Herring, Hightower and Blanchard were appointed to escort Senator Snelson and his family to the President's Rostrum. The President administered the Constitutional Oath of Office as President Pro Tempore Ad Interim of the Sixty-second Legislature to Senator Snelson.

The President then presented Senator Snelson to the Senate as their President Pro Tempore Ad Interim.

President Pro Tempore Ad Interim Snelson addressed the Senate, expressing deep appreciation to each of the Members for the honor bestowed upon him and his family and thanked them for the kind remarks and for their friendship.

President Pro Tempore Ad Interim Snelson presented his wife Susan and children, Gene, Sandra, Steven and Shane; his nephew, Morris Lynn Snelson; and the Members of his Staff.

#### House Joint Resolution 95 on Second Reading

On motion of Senator Kennard and by unanimous consent the regular order of business and Senate Rule 35 were suspended to take up for consid-



eration at this time on its second reading and passage to third reading:

H. J. R. No. 95, Proposing an amendment to Article IV, Section 17 of the Texas Constitution, and adding a new Section 24a to Article III of the Texas Constitution, to provide a salary of \$22,500 for the Lieutenant Governor and the Speaker of the House of Representatives.

The resolution was read second time and passed to third reading.

#### House Joint Resolution 95 on Third Reading

Senator Kennard moved that the Constitutional Rule and Senate Rule 30 requiring resolutions to be read on three several days be suspended and that H. J. R. No. 95 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—28

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	McKool
Blanchard	Moore
Bridges	Patman
Brooks	Ratliff
Christie	Schwartz
Creighton	Sherman
Grover	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

#### Nays—3

Connally	Mauzy
Hall	

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

#### Yeas—28

Aikin	Grover
Bates	Harrington
Beckworth	Harris
Bernal	Herring
Blanchard	Hightower
Bridges	Jordan
Brooks	Kennard
Christie	Kothmann
Creighton	McKool

Moore	Snelson
Patman	Wallace
Ratliff	Watson
Schwartz	Wilson
Sherman	Word

#### Nays—3

Connally	Mauzy
Hall	

#### Conference Committee on House Bill 1671

Senator Schwartz called from the President's table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on H. B. No. 1671 and moved that the request be granted.

The motion prevailed.

The President Pro Tempore asked if there were any motions to instruct the Conference Committee on H. B. No. 1671 before appointment.

There were no motions offered.

Accordingly, the President Pro Tempore announced the appointment by the President of the following conferees on the part of the Senate on the bill: Senators Schwartz, Christie, Hall, Ratliff and Mauzy.

#### Message From the House

Hall of the House of Representatives  
Austin, Texas,  
May 31, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 34, A bill to be entitled "An Act amending Statutes by providing that members of the Commissioners Court may be paid a sum not to exceed one hundred and fifty (\$150.00) dollars per month for travel expense incurred by them; etc.; and declaring an emergency."

S. B. No. 38, A bill to be entitled "An Act providing that an informal marriage of certain underage persons without parental consent is voidable and requiring written consent of parents to be attached to a declaration of informal marriage; etc.; and declaring an emergency."

(With amendment.)

S. B. No. 66, A bill to be entitled "An Act to amend Statutes relating to the practice of law and providing that law students, while attending a law school approved by the Supreme Court of Texas, may assist licensed attorneys in the trial of cases under rules promulgated by such Supreme Court; repealing all laws and parts of laws in conflict to extent of conflict; and declaring an emergency."

(With amendment.)

S. B. No. 74, A bill to be entitled "An Act providing that Boards of Trustees of all school districts shall adopt policies specifying the duties of each of its positions of employment; providing that no employee of a school district shall be liable for certain acts incident to or within the scope of the duties of his position of employment; defining certain terms used in this Act; and declaring an emergency."

S. B. No. 99, A bill to be entitled "An Act prescribing certain duties of clerks of courts of civil appeals with reference to the filing, recording, and preservation of the records and proceedings of the court; etc.; and declaring an emergency."

(With amendment.)

S. B. No. 126, A bill to be entitled "An Act repealing the requirement that a county judge assess certain fees; repealing Article 3926, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

S. B. No. 143, A bill to be entitled "An Act amending Subsection (b), Section 1.03, Family Code, to include a space for social security numbers on application forms for marriage licenses; and declaring an emergency."

S. B. No. 144, A bill to be entitled "An Act amending Sections 3 and 7, Article 5949, Revised Civil Statutes of Texas, 1925, as amended, to require social security numbers on applications and bonds for notaries public; and declaring an emergency."

S. B. No. 238, A bill to be entitled "An Act relating to the definition of organized volunteer fire departments; etc.; and declaring an emergency."

S. B. No. 240, A bill to be entitled "An Act relating to judicial jurisdic-

tion to hear eminent domain cases; and declaring an emergency."

(With amendment.)

S. B. No. 331, A bill to be entitled "An Act making it the duty of the operator of a motorboat to require that passengers 16 years of age or under wear life preservers at all times; etc.; and declaring an emergency."

S. B. No. 343, A bill to be entitled "An Act amending Article 6472a, Vernon's Texas Civil Statutes, providing for the taking of written and oral depositions in matters pending before the Railroad Commission of Texas, or any division thereof; etc.; and declaring an emergency."

S. B. No. 364, A bill to be entitled "An Act amending Article 8309c, Workmen's Compensation for employees of counties; etc.; and declaring an emergency."

S. B. No. 420, A bill to be entitled "An Act relating to the registration of antique trucks; etc.; and declaring an emergency."

S. B. No. 422, A bill to be entitled "An Act relating to the tax lien for the admissions tax; etc.; and declaring an emergency."

(With amendments.)

S. B. No. 468, A bill to be entitled "An Act to amend Statutes providing for more representation on the Council to include at least one representative particularly concerned with education or training of health professionals; and declaring an emergency."

S. B. No. 507, A bill to be entitled "An Act relating to the concurrent jurisdiction of statutory courts exercising civil jurisdiction corresponding to the constitutional civil jurisdiction of the county courts; etc.; and declaring an emergency."

(With amendment.)

S. B. No. 516, A bill to be entitled "An Act relating to the use of certain vehicles on public highways; exempting certain agricultural machinery from the bonding requirements relative to oversize or super-heavy equipment; etc.; and declaring an emergency."

S. B. No. 528, A bill to be entitled "An Act relating to the creation of the state law library to be operated and administered by the state law library board; transferring the functions and duties of the library of the Supreme Court to the state law library board; etc.; and declaring an emergency."

(With amendments.)

S. B. No. 533, A bill to be entitled "An Act to amend Article 26, Revised Civil Statutes of Texas, 1925, as amended; authorizing the Secretary of State of Texas to administer oaths, affidavits, and affirmations; and declaring an emergency."

S. B. No. 534, A bill to be entitled "An Act relating to the liability of damages for persons engaged in the transplantation or transfusion of human tissues and related purposes; and declaring an emergency."

S. B. No. 559, A bill to be entitled "An Act relating to the citizenship of applicants for examination by the Texas Optometry Board; etc.; and declaring an emergency."

S. B. No. 576, A bill to be entitled "An Act authorizing the Parks and Wildlife Department to publish information on State parks, State historic sites, and State scientific areas; authorizing sale of publications; providing for the disposition of funds; and declaring an emergency."

S. B. No. 578, A bill to be entitled "An Act amending Section 1 of Chapter 797, Acts of the 61st Legislature, Regular Session, by including aircraft, motorboats and watercraft within its provisions; amending Section 3 to likewise include aircraft, motorboats and watercraft within its provisions; and declaring an emergency."

S. B. No. 613, A bill to be entitled "An Act amending the Insurance Code, as amended, by adding Subdivision (e) to Article 1.02, which provides for the Commissioner of Insurance to act as official for service of legal process upon insurers; and declaring an emergency."

S. B. No. 660, A bill to be entitled "An Act relating to the assessment of certain life, health and accident insurers for the protection of persons

entitled to policy benefits of impaired life, health, and accident insurers; etc.; and declaring an emergency."

S. B. No. 672, A bill to be entitled "An Act relating to the authority of the district clerk to withhold certain names drawn from the jury wheel in certain counties; amending Article 2099, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

(With amendment.)

S. B. No. 698, A bill to be entitled "An Act providing for the appointment of a bailiff by the judge of the 34th Judicial District; providing for his compensation and duties; and declaring an emergency."

(With amendment.)

S. B. No. 728, A bill to be entitled "An Act adding a provision making the possession of an illegally killed game bird or game animal a violation; etc.; and declaring an emergency."

S. B. No. 734, A bill to be entitled "An Act relating to the compensation of District Attorney and assistants of the 34th District; etc.; and declaring an emergency."

(With amendment.)

S. B. No. 736, A bill to be entitled "An Act amending Statutes to provide for the payment of a fee upon authorization of the local County Commissioners' Court to any Justice of the Peace conducting a hearing on revocation of driver's license; and declaring an emergency."

S. B. No. 737, A bill to be entitled "An Act relating to the issuance of time warrants by certain independent school districts; etc.; and declaring an emergency."

S. B. No. 742, A bill to be entitled "An Act relating to the production and possession of wine by the head of a family for family use; and declaring an emergency."

(With amendment.)

S. B. No. 756, A bill to be entitled "An Act eliminating the requirement for a bidder's affidavit and requiring a bidder's certification on each bid certifying that the bidder has not violated the antitrust laws of Texas or the Federal antitrust laws; amend-

ing Article 635, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

S. B. No. 800, A bill to be entitled "An Act relating to pollution control, sewage disposal, and preservation of natural resources by the Lower Colorado River Authority; etc.; and declaring an emergency."

S. B. No. 813, A bill to be entitled "An Act relating to contracts between certain political subdivisions in this state for the performance of governmental services; amending Chapter 28, Acts of the 61st Legislature, 2nd Called Session, 1969; and declaring an emergency."

S. B. No. 860, A bill to be entitled "An Act prescribing procedures whereby school districts may issue and deliver Certificates of Indebtedness for certain school building or refunding purposes; etc.; and declaring an emergency."

(With amendment.)

S. B. No. 872, A bill to be entitled "An Act to amend Article 3.12 of Chapter 3 of the Insurance Code (Acts, 1957, Fifty-fifth Legislature, Regular Session) so as to provide no 'domestic' company shall pay to any of its officers, trustees, or directors a salary, compensation or emolument, or pay any such salary, compensation or emolument to any person, firm or corporation, amounting in any one (1) year to more than Twenty Thousand Dollars (\$20,000); etc.; and declaring an emergency."

S. B. No. 877, A bill to be entitled "An Act relating to the collection of delinquent ad valorem taxes on real property; and declaring an emergency."

S. B. No. 881, A bill to be entitled "An Act relating to the municipal court of record of Wichita Falls; etc. and declaring an emergency."

(With amendment.)

S. B. No. 883, A bill to be entitled "An Act relating to the seizure of certain personal property used to make, print, show, or distribute obscene material; etc.; and declaring an emergency."

S. B. No. 886, A bill to be entitled "An Act amending Statutes so as

to change the term of office of the Rio Grande Compact Commissioner from two (2) years to six (6) years; providing for his duties and expenses; and declaring an emergency."

S. B. No. 903, A bill to be entitled "An Act requiring the Commissioner of Education, under certain conditions, to issue a Texas teacher's certificate upon request to persons holding valid teaching certificates of other states, and declaring an emergency."

(With amendment.)

S. B. No. 905, A bill to be entitled "An Act relating to an increased maintenance tax in certain school districts; and declaring an emergency."

S. B. No. 926, A bill to be entitled "An Act validating notes heretofore authorized to be issued and sold for cash, or attempted to be issued and sold for cash by all counties in the State whose commissioners court has by order declared that such funds are necessary to the continued operations of the county for its public purposes, and validating all orders of the commissioners courts of such counties; etc.; and declaring an emergency."

S. B. No. 934, A bill to be entitled "An Act amending Statutes to set forth the procedure by which such zoning regulations, restrictions, and boundaries may be amended, supplemented, changed, modified, or repealed; and declaring an emergency."

(With amendment.)

S. B. No. 935, A bill to be entitled "An Act amending Statutes to clarify and exempt television installations in remote television transmission trucks; and declaring an emergency."

S. B. No. 940, A bill to be entitled "An Act raising the eligible age of employees becoming members of the Texas County and District Retirement System to 60 years; etc.; and declaring an emergency."

S. B. No. 955, A bill to be entitled "An Act amending Statutes to provide that certain bonds or obligations, when the United States Government or any agency thereof guarantees payment, are authorized security for all public deposits and lawful investments for certain entities; and declaring an emergency."

S. B. No. 949, A bill to be entitled "An Act relating to the use of certain devices to call or attract animals to aid in hunting in certain areas in Falls and Limestone Counties; etc.; and declaring an emergency."

(With amendment.)

S. B. No. 963, A bill to be entitled "An Act relating to the authority of the Tribal Council of the Tigua Indian Community to issue revenue bonds and other evidences of indebtedness and to dispose of certain revenue; etc.; and declaring an emergency."

S. B. No. 972, A bill to be entitled "An Act relating to the transfer of all funds left in a private financial institution by the Texas State Board of Examiners in Optometry to the Texas Optometry Board; and declaring an emergency."

S. B. No. 974, A bill to be entitled "An Act relating to a fee payable to the county clerk in certain counties for the administrative costs of handling temporary support orders; etc.; and declaring an emergency."

S. B. No. 975, A bill to be entitled "An Act relating to reductions in the salaries of certain public employees for the purpose of effectuating annuity purchase agreements; etc.; and declaring an emergency."

S. B. No. 980, A bill to be entitled "An Act amending Statutes relating to biennial independent audits in certain counties; and declaring an emergency."

S. B. No. 981, A bill to be entitled "An Act amending Statutes relating to obtaining and maintaining historical landmarks in certain counties; and declaring an emergency."

S. B. No. 983, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Article XVI, Section 59, Constitution of Texas, to be known as 'League City Semi-Tropical Gardens Utility District'; etc.; and declaring an emergency."

S. B. No. 991, A bill to be entitled "An Act relating to the interest rate on bonds of the San Patricio Municipal Water District; etc.; and declaring an emergency."

(With amendment.)

S. B. No. 997, A bill to be entitled "An Act amending Article 12 of Chapter IV of the Texas Banking Code of 1943, Acts 48th Legislature, providing authority for the Banking Commissioner, in the case of certain violations and unsound practices of state banks, to issue cease and desist orders and orders for removal from office to state banks and offending officers, directors or employees; etc.; and declaring an emergency."

(With amendment.)

S. B. No. 999, A bill to be entitled "An Act amending Chapter VIII of the Texas Banking Code of 1943, Acts 48th Legislature, as amended by adding a new Article, numbered Article 17 relating to bank delinquencies and their prevention; etc.; and declaring an emergency."

(With amendment.)

S. B. No. 1001, A bill to be entitled "An Act amending Article 5 of Chapter III of the Texas Banking Code of 1943, Acts 48th Legislature, relating to application for and granting of state bank charters; etc.; and declaring an emergency."

S. B. No. 1002, A bill to be entitled "An Act amending Article 15 of Chapter I of the Texas Banking Code of 1943, Acts 48th Legislature, relating to the State Banking Board, providing for three (3) members, with the Banking Commissioner as chairman, providing duties of the Board; etc.; and declaring an emergency."

S. B. No. 1003, A bill to be entitled "An Act amending Article 6 of Chapter VI of the Texas Banking Code of 1943, Acts 48th Legislature, relating to cash reserves, calculation, reserve depositaries and amounts, and increasing the penalty for failure to maintain total reserves required from \$50 per week to not more than \$500 per week, and providing for recovery of such penalties; etc.; and declaring an emergency."

S. B. No. 1004, A bill to be entitled "An Act amending Chapter IX of the Texas Banking Code, by adding thereto a new Article 11, relative to appeals from final orders of the State Banking Board and Finance Commission, and providing the right of aggrieved parties to appeal to district

court within thirty (30) days of such order; etc.; and declaring an emergency."

S. B. No. 1007, A bill to be entitled "An Act relating to the immunization of children admitted to child caring institutions and facilities; etc.; and declaring an emergency."

S. B. No. 1009, A bill to be entitled "An Act authorizing the Texas Department of Agriculture to receive and hold for processing export-import livestock or other animals; etc.; and declaring an emergency."

S. B. No. 1024, A bill to be entitled "An Act relating to the creation of the constitutional office of Criminal District Attorney of Eastland County; etc.; and declaring an emergency."

(With amendment.)

S. B. No. 1027, A bill to be entitled "An Act amending Acts 1957, 55th Legislature, Chapter 86, as amended, removing the restrictions prohibiting the use of money received from taxation or from bonds payable wholly or partially from taxation to acquire land for public parks and recreational facilities, and the right of eminent domain for such purposes; providing for severability; and declaring an emergency."

S. B. No. 1029, A bill to be entitled "An Act relating to the compensation of certain shorthand reporters; etc.; and declaring an emergency."

(With amendment.)

S. B. No. 1031, A bill to be entitled "An Act amending Senate Bill No. 398, Acts of the 62nd Legislature, 1971, relating to providing for a minimum brucellosis blood test and alternate bovine brucellosis test for dairy cattle; and declaring an emergency."

The House has adopted the Conference Committee Report on Senate Bill No. 11 by a vote of 103 Ayes, 43 Noes.

S. J. R. No. 1, Proposing amendments to Article IV, Sections 4, 22, and 23, Constitution of the State of Texas, so as to provide a four-year term of office for the Governor, Lieutenant Governor, Attorney General, Comptroller of Public Accounts, Treasurer, Commissioner of the Gen-

eral Land Office, Secretary of State, and certain statutory State officers.

S. B. No. 998, A bill to be entitled "An Act amending Chapter VI of the Texas Banking Code of 1943, Acts 48th Legislature by adding thereto a new article, being numbered 7A, relating to and defining brokerage funds, construing them as 'notes, bonds, and other evidence of indebtedness' and not as deposits; etc.; and declaring an emergency."

(With amendment.)

S. B. No. 554, A bill to be entitled "An Act providing for the lump-sum payment upon termination of service of a portion of the accumulated sick leave and vacation leave of firemen and policemen in certain cities; amending Chapter 325, Acts of the 50th Legislature, 1947, as amended (Article 1269m, Vernon's Texas Civil Statutes), by adding Section 26(b); and declaring an emergency."

The House has concurred in Senate amendments to House Bill No. 1181 by non-record vote.

The House has concurred in Senate amendments to House Bill No. 956 by non-record vote.

S. B. No. 1012, A bill to be entitled "An Act relating to the status of an area encompassed by the building structure of certain privately-owned professional sport stadiums and by regional airports in certain counties of over 500,000 population; etc.; and declaring an emergency."

(With amendments.)

The House has concurred in Senate amendments to House Bill No. 1756 by vote of 114 Ayes, 17 Noes.

The House has concurred in Senate amendments to House Bill No. 952 by non-record vote.

The House has concurred in Senate amendments to House Bill No. 244 by non-record vote.

The House has concurred in Senate amendments to House Bill No. 1584 by non-record vote.

The House has adopted the Conference Committee Report on House Bill No. 6 by non-record vote.

S. B. No. 530, A bill to be entitled "An Act providing for the supplementary compensation of presiding judges of administrative judicial districts; etc., and declaring an emergency."

(With amendment.)

S. B. No. 1041, A bill to be entitled "An Act amending Statutes to provide for the creation of the 202nd Judicial District, to be composed of the County of Bowie; and declaring an emergency."

The House has concurred in Senate amendments to House Bill No. 1437 by non-record vote.

The House has concurred in Senate amendments to House Bill No. 1393 by vote of 135 Ayes, 0 Noes, 1 present not voting.

The House has adopted the Conference Committee Report on H. J. R. No. 82 by a vote of 125 Ayes, 16 Noes.

H. C. R. No. 195, Authorizing the Enrolling Clerk of the Senate to make corrections in Senate Bill 534.

The House has adopted the Conference Committee Report on House Bill No. 1671 by a vote of 123 Ayes, 16 Noes.

The House has adopted the Conference Committee Report on Senate Bill No. 51 by a vote of 107 Ayes, 20 Noes.

The House has concurred in Senate amendments to H. J. R. No. 58 by vote of 118 Ayes, 17 Noes.

The House has adopted the Conference Committee Report on House Bill 203 by a vote of 132 Ayes, 6 Noes, 6 present not voting.

The House refused to adopt Conference Committee Report on S. B. No. 537 by vote of 55 Ayes, 81 Noes.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Senate Resolution 1495

Senator Herring offered the following resolution:

Whereas, The Senate of the State of Texas is honored today by the presence of Miss Shannon Kilgore, daughter of Mr. and Mrs. Joe Kilgore of Austin; and

Whereas, Shannon is a concerned young lady, interested in the affairs of State government; now, therefore, be it

Resolved, That the Senate of the State of Texas extend to her, distinguished Texas citizen, its warmest welcome; and that Shannon be made an honorary Page of the Senate for the day of May 31, 1971; and, be it further

Resolved, That a copy of this Resolution, bearing the seal of the Senate, be prepared for Shannon as a memento of her visit in the Texas Senate.

HERRING

Signed — Lieutenant Governor Ben Barnes; Aikin, Bates, Beckworth, Bernal, Blanchard, Bridges, Brooks, Christie, Connally, Creighton, Grover, Hall, Harrington, Harris, Hightower, Jordan, Kennard, Kothmann, Mauzy, McKool, Moore, Patman, Ratliff, Schwartz, Sherman, Snelson, Wallace, Watson, Wilson, Word.

The resolution was read.

On motion of Senator Herring and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Herring the resolution was adopted.

#### Senate Resolution 1496

Senator Ratliff offered the following resolution:

Whereas, Joe Schwartz, father of Senator A. R. Schwartz, was honored in Galveston, Texas, by Congregation Beth Jacob, upon whose board of Directors and Committees he had so ably served continuously for 40 years as a Member, Director, Officer and President; and

Whereas, This distinguished Texan immigrated to this great land to live in freedom and raise a family of citizens with independence and equal opportunity as their birthright; and

Whereas, In all of his accomplishments he has been immeasurably assisted and aided by his loving and devoted wife Ida; now, therefore, be it

Resolved, That the Senate commend this splendid citizen of our great State for his contributions to his State, Community, Congregation and Mankind.

RATLIFF

Signed — Lieutenant Governor Ben Barnes; Aikin, Bates, Beckworth, Bernal, Blanchard, Bridges, Brooks, Christie, Connally, Creighton, Grover, Hall, Harrington, Harris, Herring, Hightower, Jordan, Kennard, Kothmann, Mauzy, McKool, Moore, Patman, Schwartz, Sherman, Snelson, Wallace, Watson, Wilson, Word.

The resolution was read.

On motion of Senator Blanchard and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Ratliff the resolution was adopted.

#### **Senate Bill 66 with House Amendments**

Senator Herring called S. B. No. 66 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

#### **Floor Amendment No. 1**

Amend the Committee Amendment No. 1 to S. B. 66 by placing a semicolon after the word "State" and before the word "except" in Section 3 (2) and deleting all of the words after the subject semicolon through the words "all appellate courts" in Section 3(2).

#### **Floor Amendment No. 2**

Amend the Committee Amendment No. 1 to S. B. 66 by placing the words "which shall be" between the words "regulations" and "promulgated" in Section 3 and by placing the words "within 90 days after this Act becomes law" between the words "promulgated" and "by" in Section 3.

#### **Committee Amendment No. 1**

Amend Senate Bill No. 66, First Printing, so that the first paragraph of the quoted Section 3 shall read as follows:

"Sec. 3. All persons who are now or who shall hereafter be licensed to practice law in this state shall constitute and be members of the State Bar,

and shall be subject to the provisions hereof and the rules adopted by the Supreme Court of Texas; and all persons not members of the State Bar are hereby prohibited from practicing law in this State except as provided below. A bona fide law student attending a law school approved by the Supreme Court of Texas who has completed two-thirds of the required curriculum for graduation as computed on an hourly basis, may, with the consent of the presiding judge, assist licensed attorneys in the trial of cases. His participation in the trial of cases shall be governed by rules and regulations promulgated by a joint committee composed of five members of the State Bar designated by the president of such bar and four members of the State Junior Bar designated by the president of such bar. The presiding officer of the joint committee shall be chosen by the committee members from the members designated by the State Bar. All rules and regulations promulgated by the joint committee shall be subject to approval by the Supreme Court of Texas, but shall contain at least the following minimum requirements: (1) that a qualified law student may file instruments and motions and handle other routine matters before any court or administrative body of this State; (2) that a qualified law student may make an appearance for the purpose of trial and the arguing of motions, provided that he is accompanied at such appearance by an attorney licensed to practice law in this State, in all courts of this State except the following: county courts, county courts at law, both civil and criminal, district courts, other courts exercising jurisdiction over matters normally within the jurisdiction of district courts, and all appellate courts; and (3) that a qualified law student may not appear in or conduct any contested hearing or trial, before any administrative tribunal or in any of the courts, unless accompanied at such appearance by an attorney licensed to practice law in this State.

The House amendments were read.

Senator Herring moved that the Senate concur in the House amendments.

The motion prevailed.



**House Bill 783 on Second Reading**

Senator Word asked unanimous consent to suspend the regular order of business and Senate Rule 35 and take up H. B. No. 783 for consideration at this time.

There was objection.

Senator Word then moved to suspend the regular order of business and take up H. B. No. 783 for consideration at this time.

The motion prevailed by the following vote:

**Yeas—21**

Aikin	Kothmann
Blanchard	Moore
Bridges	Patman
Brooks	Ratliff
Christie	Schwartz
Connally	Sherman
Creighton	Snelson
Grover	Wallace
Hall	Watson
Herring	Word
Hightower	

**Nays—7**

Bates	Kennard
Beckworth	Mauzy
Bernal	McKool
Harris	

**Absent**

Harrington	Wilson
Jordan	

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 783, A bill to be entitled "An Act relating to reapportionment of state representative districts; etc.; and declaring an emergency."

The bill was read second time and passed to third reading.

**Record of Votes**

Senators Mauzy, McKool, Harris, Grover, Kennard and Wallace asked to be recorded as voting "Nay" on the passage of the bill to third reading.

**House Bill 783 on Third Reading**

Senator Word moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three

several days be suspended and that H. B. No. 783 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—24**

Aikin	Jordan
Bates	Kothmann
Blanchard	Moore
Bridges	Patman
Brooks	Ratliff
Christie	Schwartz
Connally	Sherman
Creighton	Snelson
Grover	Wallace
Hall	Watson
Herring	Wilson
Hightower	Word

**Nays—6**

Beckworth	Kennard
Bernal	Mauzy
Harris	McKool

**Absent****Harrington**

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**Record of Votes**

Senators Mauzy, McKool, Grover, Kennard, Beckworth, Bernal, Wallace, Harris and Jordan asked to be recorded as voting "Nay" on the final passage of the bill.

**Report of Standing Committee**

By unanimous consent, Senator Mauzy submitted the following report for the Committee on Education:

H. B. No. 776 (Floor report).

**House Bill 776 Ordered Not Printed**

On motion of Senator Mauzy and by unanimous consent H. B. No. 776 was ordered not printed.

(Senator Hall in Chair.)

**Senate Bill 408 with House Amendment**

Senator Schwartz called S. B. No. 408 from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the following House amendment before the Senate:

#### Amendment No. 1

Amend S. B. No. 408, second printing, by striking everything after the semicolon on page 2, line 8, and all of lines 9 through 17 and substituting the following:

"provided, no vessel, vehicle or aircraft shall be forfeited where it is shown that the illegal act has been committed by some person other than the owner and without the owner's knowledge."

The House amendment was read.

Senator Schwartz moved that the Senate concur in the House amendment.

The motion prevailed.

#### Senate Bill 507 with House Amendment

Senator Mauzy called S. B. No. 507 from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the following House amendment before the Senate:

#### Amendment No. 1

Amend S. B. No. 507, Section 1, in the quoted Article 1970a by deleting the words and figures "Ten Thousand Dollars (\$10,000)" and substituting in lieu thereof the words and figures "Five Thousand Dollars (\$5,000)."

The House amendment was read.

Senator Mauzy moved that the Senate concur in the House amendment.

The motion prevailed.

(Senator Aikin in Chair.)

#### Senate Bill 132 with House Amendment

Senator Hall called S. B. No. 132 from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the following House amendment before the Senate:

#### Amendment No. 1

Amend S. B. 132 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. INHERENT POWER AND AUTHORITY OF COURTS. A court possesses inherently all powers necessary for the exercise of its jurisdiction and the enforcement of its lawful orders, including authority to issue such writs and orders as may be necessary or proper in aid of its jurisdiction. It has the duty to require that proceedings shall be conducted with dignity and in an orderly and expeditious manner and to so control the proceedings that justice is done. A court has the power to punish for contempt.

Sec. 2. PENALTIES FOR CONTEMPT. (a) Every court other than a justice court or municipal court may punish by a fine of not more than \$500, or by confinement in the county jail for not more than six months, or both, any person guilty of contempt of the court;

(b) A justice court or municipal court may punish by a fine of not more than \$200, or by confinement in the county or city jail for not more than 20 days, or both, any person guilty of contempt of the court;

(c) Provided, however, an officer of a court held in contempt by a trial court, shall, upon proper motion filed in the offended court, be released upon his own personal recognizance pending a determination of his guilt or innocence by a judge of a district court, other than the offended court. Said judge to be appointed for that purpose by the presiding judge of the Administrative Judicial District wherein the alleged contempt occurred.

Sec. 3. CONFINEMENT TO ENFORCE ORDER. Nothing in this Act affects a court's power to confine a contemner in order to compel him to obey a court order.

Sec. 4. Article 2386, Revised Civil Statutes of Texas, 1925, is amended to read as follows:

"Article 2386. OTHER POWERS. Justices of the peace shall also have power:

"1. To issue writs of attachment, garnishment and sequestration within their jurisdiction, the same as judges and clerks of the district and county courts.

"2. To exercise jurisdiction over all other matters not hereinbefore enumerated that are or may be cognizable before a justice of the peace under any law of this State.

"3. To proceed with all unfinished business of his office in like manner as if such business had been originally commenced before him."

Sec. 5. Article 45.12, Code of Criminal Procedure, 1965, is amended to read as follows:

**"Article 45.12 CONTEMPT AND BAIL**

"The recorder shall have power to admit to bail, and to forfeit bonds under such rules as govern such taking and forfeiture in the county court."

Sec. 6. Article 1736, 1826, 1911, and 1955, Revised Civil Statutes of Texas, 1925, are repealed. Section 2, Article 4.04, Code of Criminal Procedure, 1965, is repealed.

Sec. 7. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The House amendment was read.

Senator Hall moved that the Senate concur in the House amendment.

The motion prevailed.

**House Bill 760 on Second Reading**

On motion of Senator Moore and by unanimous consent the regular order of business and Senate Rule 35 were suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 760, A bill to be entitled "An Act relating to compensation of county officials in certain counties; etc.; and declaring an emergency."

The bill was read second time and passed to third reading.

**House Bill 760 on Second Reading**

Senator Moore moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three

several days be suspended and that H. B. No. 760 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—31**

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**House Bill 825 on Second Reading**

On motion of Senator Blanchard and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 825, A bill to be entitled "An Act prohibiting members of the State Banking Board from being indebted to or holding an interest in a state bank; etc.; and declaring an emergency."

The bill was read second time and passed to third reading.

**House Bill 825 on Third Reading**

Senator Blanchard moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 825 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—31**

Aikin	Beckworth
Bates	Bernal

Blanchard	Kothmann
Bridges	Mauzy
Brooks	McKool
Christie	Moore
Connally	Patman
Creighton	Ratliff
Grover	Schwartz
Hall	Sherman
Harrington	Snelson
Harris	Wallace
Herring	Watson
Hightower	Wilson
Jordan	Word
Kennard	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

#### Senate Bill 552 with House Amendment

Senator Kennard called S. B. No. 552 from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the following House amendment before the Senate:

#### Amendment No. 1

Amend Senate Bill 552 by re-numbering "Section 3" on Page 2 to be "Section 4," and adding a new "Section 3" at Line 27, page 2, as follows: As used in this Act, "the last preceding federal census" means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effec-

tiveness of the 1970 census for general State and Local governmental purposes.

The House amendment was read.

Senator Kennard moved that the Senate concur in the House amendment.

The motion prevailed.

#### Senate Bill 881 with House Amendment

Senator Hightower called S. B. No. 881 from the Presidents' table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the following House amendment before the Senate:

#### Amendment No. 1

Amend S. B. No. 881 by striking out Section 1.

The House amendment was read.

Senator Hightower moved that the Senate concur in the House amendment.

The motion prevailed.

#### Senate Bill 997 with House Amendments

Senator Blanchard called S. B. No. 997 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the following House amendments before the Senate:

#### Amendment No. 1

To amend Senate Bill No. 997 by inserting the phrase "effective and" between the words "be" and "final" on page 3 at line 1.

#### Amendment No. 2

To amend Senate Bill No. 997 by striking the word "further" from line 30 on page 2.

The House amendments were read.

Senator Blanchard moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The Presiding Officer asked if there were any motions to instruct the Conference Committee on S. B. No. 997 before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment by the President of the following conferees on the part of the Senate on the bill: Senators Word, Blanchard, Hightower, Ratliff and Connally.

(President Pro Tempore in Chair.)

**Senate Bill 903 with  
House Amendment**

Senator Aikin called S. B. No. 903 from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the following House amendment before the Senate:

**Amendment No. 1**

Amend Senate Bill 903, Second Printing, by adding after the words "training institution" at the end of Section I the following:

"Provided, however, that the out-of-state applicants take all required courses in Texas History that a Texas Teachers Certificate requires and shall complete such course within twelve months of issuance of certificate; otherwise, certificate will be revoked."

The House amendment was read.

Senator Aikin moved that the Senate concur in the House amendment.

The motion prevailed.

**Senate Bill 422 with  
House Amendment**

Senator Brooks called S. B. No. 422 from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the following House amendment before the Senate:

**Amendment No. 1**

Amend S. B. 422, 2nd Printing, Sec. 2, line 32, delete the words "and used by."

The House amendment was read.

Senator Brooks moved that the Senate concur in the House amendment.

The motion prevailed.

**Senate Bill 742 with  
House Amendment**

Senator Brooks called S. B. No. 742 from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the following House amendment before the Senate:

**Amendment No. 1**

Amend Senate Bill 742 by striking therefrom Section 1 and substituting in lieu thereof the following:

Section 1. Article I, Texas Liquor Control Act, as amended (Article 666-1 to Article 666-57, Vernon's Annotated Penal Code), is amended by adding Section 4(a-1) to read as follows:

"Section 4(a-1). It shall not be deemed in violation of the above prohibitions in Section 4 of this Article for the head of any family to produce for family use and not for sale an amount of wine not exceeding 200 gallons per annum, provided that prior to the beginning of the production process the head of the family files with the Texas Alcoholic Beverage Commission and with the office of the Commission in the district wherein the wine is to be produced a statement of intent specifying (a) the ingredients to be used, (b) the number of gallons to be produced, (c) the number of adult persons in the family, and (d) any other information which the Commission may require. A fee of \$10.00 shall be attached with the copy of the statement filed in the district office. The Commission shall have the authority to prohibit the use of any ingredient found by it to be detrimental to health or susceptible of utilization to evade the provisions of this Act. The term 'wine,' as used here means the produce of normal alcoholic fermentation of the juices of grapes, dandelions, raisins, or other fruits. The possession of same shall not constitute violation of the provisions of Section 4, provided the wine conforms with the statement hereinabove required, the specified fee has been paid, and the wine is not distilled, fortified or otherwise altered to increase its alcoholic content."

The House amendment was read.

Senator Brooks moved that the Senate concur in the House amendment.

The motion prevailed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

**Senate Bill 672 with  
House Amendment**

Senator Harrington called S. B. No. 672 from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the following House amendment before the Senate:

**Committee Amendment No. 1**

Amend Section 1, S. B. No. 672, first House printing, as follows:

At line 44, delete the balance of the sentence following the semicolon and insert in lieu thereof the following:

"Provided that in any county with a population greater than 100,000 according to the last preceding federal census, the clerk may withhold from the jury wheel all cards so selected, unless ordered by the judge to return such cards to the wheel."

The House amendment was read.

Senator Harrington moved that the Senate concur in the House amendment.

The motion prevailed by the following vote:

Yeas—31

Aikin	Bernal
Bates	Blanchard
Beckworth	Bridges

Brooks	Kennard
Christie	Kothmann
Connally	Mauzy
Creighton	McKool
Grover	Moore
Hall	Schwartz
Harrington	Sherman
Harris	Snelson
Herring	Wallace
Hightower	Watson
Jordan	Wilson
Patman	Word
Ratliff	

**Senate Bill 240 with  
House Amendments**

Senator Kennard called S. B. No. 240 from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and the following House amendments before the Senate:

**Amendment No. 1**

Amend S. B. 240 by striking all above the enacting clause and substituting the following:

**A BILL  
TO BE ENTITLED**

An Act relating to jurisdiction of eminent domain cases and proceedings; amending Article 1960, Revised Civil Statutes of Texas, 1925; and declaring an emergency.

**Amendment No. 2**

Amend S. B. 240 by striking all below the enacting clause and substituting the following:

Section 1. The district courts of all counties in the state shall have jurisdiction concurrent with the county courts at law in eminent domain cases. The county courts shall have no jurisdiction in eminent domain cases.

Sec. 2. In all counties in which there is no county court at law with jurisdiction of eminent domain cases the party desiring to initiate condemnation proceedings shall file its petition with the district judge; and objections to the award of the special commissioners shall be filed in the district court.

Sec. 3. In all counties in which there is one or more county courts at law with jurisdiction in eminent domain cases, the party desiring to initiate condemnation proceedings shall, except where otherwise specifically pro-

vided by law file its petition with the judge of the county court at law; and objections to the award of the special commissioners shall be filed in that county court at law.

Sec. 4. In any eminent domain case pending in the county court at law, whenever the judge of the court determines that the controversy involves a genuine issue of title or any other matter which cannot be fully adjudicated in the county court at law, he shall transfer the case to the district court.

Sec. 5. This Act shall not be construed to alter the provisions of Article 3266, Revised Civil Statutes of Texas, 1925, as amended, except that the court in which a petition is filed to initiate condemnation proceedings, under the provisions of this Act, shall appoint the special commissioners.

Sec. 6. The provisions of this Act shall not apply to any proceeding pending on the effective date of this Act.

Sec. 7. Article 1960, Revised Civil Statutes of Texas, 1925, is amended to read as follows:

"Article 1960. Changed jurisdiction; eminent domain.

"Where the jurisdiction of a county court has been taken away, altered or changed by existing laws, the jurisdiction shall remain as established, until otherwise provided by law. The county courts shall have no jurisdiction in eminent domain cases."

Sec. 8. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The House amendments were read.

Senator Kennard moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—31

Aikin	Blanchard
Bates	Bridges
Beckworth	Brooks
Bernal	Christie

Connally	McKool
Creighton	Moore
Grover	Patman
Hall	Ratliff
Harrington	Schwartz
Harris	Sherman
Herring	Snelson
Hightower	Wallace
Jordan	Watson
Kennard	Wilson
Kothmann	Word
Mauzy	

#### Senate Bill 991 with House Amendment

Senator Patman called S. B. No. 991 from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the following House amendment before the Senate:

#### Committee Amendment No. 1

Amend Senate Bill 991, as introduced, as follows:

(1) Delete the phrase "ten (10%)" on page 1 and page 2 and insert the phrase "eight (8%)."

(2) Delete the sentence, "Such bonds may be sold at not less than ninety per cent (90%) of their par value." on lines 9 through 11 of page 2.

The House amendment was read.

Senator Patman moved that the Senate concur in the House amendment.

The motion prevailed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

#### Senate Bill 1029 with House Amendments

Senator Blanchard called S. B. No. 1029 from the President's table for

consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and the following House amendments before the Senate:

#### Committee Amendment No. 1

Amend S. B. 1029 by striking the words "less than \$6,000 nor" which are between the words "not" and "more."

#### Committee Amendment No. 2

Amend S. B. 1029 by inserting the words, "with the approval of the Commissioners Court" between the phrases "of Lubbock County, Texas," and "shall be in addition to transcript fees."

The House amendments were read.

Senator Blanchard moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

#### Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

#### Senate Bill 734 with House Amendment

Senator Christie called S. B. No. 734 from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the following House amendment before the Senate:

#### Committee Amendment No. 1

Amend S. B. 734, Section 1, by adding the words "not more than" between the words "at" and "eighteen,"

and by adding the words "not more than" between the words "at" and "twenty."

The House amendment was read.

Senator Christie moved that the Senate concur in the House amendment.

The motion prevailed by the following vote:

#### Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

#### Senate Bill 698 with House Amendment

Senator Christie called S. B. No. 698 from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the following House amendment before the Senate:

#### Committee Amendment No. 1

Amend S. B. 698 by changing in line 50, First House Printing, the word "shall" to "may."

The House amendment was read.

Senator Christie moved that the Senate concur in the House amendment.

The motion prevailed by the following vote:

#### Yeas—31

Aikin	Christie
Bates	Connally
Beckworth	Creighton
Bernal	Grover
Blanchard	Hall
Bridges	Harrington
Brooks	Harris



Herring	Ratliff
Hightower	Schwartz
Jordan	Sherman
Kennard	Snelson
Kothmann	Wallace
Mauzy	Watson
McKool	Wilson
Moore	Word
Patman	

**Senate Bill 949 with  
House Amendment**

Senator Watson called S. B. No. 949 from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the following House amendment before the Senate:

**Committee Amendment No. 1**

Amend S. B. 949 by adding a new Section 2 and renumbering all subsequent sections:

"Sec. 2. If any provision of this Act or the application of this Act to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable."

The House amendment was read.

Senator Watson moved that the Senate concur in the House amendment.

The motion prevailed by the following vote:

**Yeas—31**

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

**Senate Bill 38 with  
House Amendment**

Senator McKool called S. B. No. 38 from the President's table for con-

sideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the following House amendment before the Senate:

**Committee Amendment No. 1**

Amend S. B. 38 by deleting all of the quoted subsection (c), as contained in Section 2 of the bill, and substituting in lieu thereof the following:

(c) If either party was underage, as provided in Section 2.41 of this Code, at the time of the marriage and if either party is still underage at the time of filing a declaration, the declaration shall have attached an acknowledged consent executed by the parents of each underage person.

The House amendment was read.

Senator McKool moved that the Senate concur in the House amendment.

The motion prevailed by the following vote:

**Yeas—31**

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

**Senate Bill 507 with  
House Amendment**

Senator Mauzy called S. B. No. 507 from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the following House amendment before the Senate:

**Amendment No. 1**

Amend S. B. 507, Section 1, in the quoted Article 1970a by deleting the

words and figures "Ten Thousand Dollars (\$10,000)" and substituting in lieu thereof the words and figures "Five Thousand Dollars (\$5,000.00)."

The House amendment was read.

Senator Mauzy moved that the Senate concur in the House amendment.

The motion prevailed by the following vote:

**Yeas—31**

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

**Senate Bill 860 with House Amendment**

Senator Bridges called S. B. No. 860 from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the following House amendment before the Senate:

**Amendment No. 1**

Amend S. B. 860 by deleting therefrom all of Section 1 and substituting in lieu thereof the following:

"Sec. 1. Any school district, including a junior college district, situated in a county containing a population of two hundred thousand or more, according to the last preceding federal census, may issue interest bearing Certificates of Indebtedness for the purpose of (1) providing funds for the erection and equipment of school buildings within the boundaries of the district or (2) refinancing outstanding certificates as herein provided. The term certificates, as used in this Act, shall include all obligations authorized to be issued hereunder and the term shall include in-

terest thereon, unless clearly indicated by the context that another meaning is intended.

The House amendment was read.

Senator Bridges moved that the Senate concur in the House amendment.

The motion prevailed by the following vote:

**Yeas—31**

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

**Senate Bill 934 with House Amendment**

Senator Bridges called S. B. No. 934 from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the following House amendment before the Senate:

**Committee Amendment No. 1**

Amend Section 1, S. B. No. 934, line 40, by striking "or within a distance of 250 feet thereof," and substituting therefor "and extending 200 feet therefrom."

The House amendment was read.

Senator Bridges moved that the Senate concur in the House amendment.

The motion prevailed by the following vote:

**• Yeas—31**

Aikin	Blanchard
Bates	Bridges
Beckworth	Brooks
Bernal	Christie

Connally	McKool
Creighton	Moore
Grover	Patman
Hall	Ratliff
Harrington	Schwartz
Harris	Sherman
Herring	Snelson
Hightower	Wallace
Jordan	Watson
Kennard	Wilson
Kothmann	Word
Mauzy	

**Senate Bill 528 with  
House Amendments**

Senator Word called S. B. No. 528 from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and the following House amendments before the Senate:

**Committee Amendment No. 1**

Amend S. B. No. 528 by striking all below the enacting clause and substituting the following:

Section 1. In this Act, unless the context requires a different meaning:

(1) "Library" means the state law library.

(2) "Board" means the state law library board.

(3) "Director" means the director of the state law library.

Sec. 2. The functions and duties now performed by the library of the Supreme Court under Article 1722, Revised Civil Statutes of Texas, 1925, are transferred to the State law library, which is established as an independent agency of the state.

Sec. 3. (a) The library is under the control of, and administered by, the state law library board composed of the chief justice of the Supreme Court, the presiding judge of the Court of Criminal Appeals, and the attorney general. Each member of the board may designate a personal representative to serve for him.

(b) Members of the board or their designated representatives are not entitled to compensation for service on the board, but each member or representative is entitled to reimbursement for actual and necessary expenses incurred in attending meetings and performing official duties, to be paid out of funds appropriated to the board.

Sec. 4. The library shall maintain a legal reference facility to include the statutes and case reports from the several states and legal journals and periodicals. The facility shall be maintained for the use and information of the members and staff of the:

- (1) Supreme Court;
- (2) Court of Criminal Appeals;
- (3) Attorney General's Department;
- (4) commissions, agencies, and boards of the other branches of state government; and
- (5) citizens of the state.

Sec. 5. The board shall employ a director of the library and shall fix his salary. The director shall be accountable only to the board and shall serve at the pleasure of the board. The director may, with the approval of the board, employ professional and clerical personnel at salaries fixed by the board.

Sec. 6. All books, documents, files, records, equipment, and property of all kinds owned and used by the Supreme Court Library, the Court of Criminal Appeals library, and the Attorney General's library are transferred to the State Law Library.

Sec. 7. During the biennium ending August 31, 1973, the Comptroller of Public Accounts is hereby authorized and directed to set up an account to be known as the State Law Library Fund and is authorized and directed to transfer into such account from time to time moneys appropriated to the Supreme Court for the purpose of operating and administering the Supreme Court Library. For the purpose of operating and administering the library for the Court of Criminal Appeals, the Comptroller is authorized and directed to transfer into such account from time to time such amounts as may be necessary from such court's appropriation for consumable supplies and materials or other designation for its library purposes. For the purpose of operating and administering the library for the Attorney General, the Comptroller is authorized and directed to transfer into such account from time to time such amounts as may be necessary from the appropriation to the Attorney General's office for consumable supplies and materials or other designation for its library purposes. Such transfers may be made on the direction of the Chief Justice of the Su-

preme Court, the Presiding Judge of the Court of Criminal Appeals, and the Attorney General, respectively. Moneys in the State Law Library Fund may be expended by the Board or its duly authorized representative for the purpose of maintaining, operating, and keeping up to date the State Law Library. Moneys appropriated for use of the libraries of the Supreme Court, Court of Criminal Appeals, and the Attorney General's office during the present biennium shall not be affected by this Act.

Sec. 8. The library may transfer any books, papers, and publications located in and belonging to the library of the Law School of the University of Texas. The transfer may be made only on the unanimous vote of the members of the board. By majority vote, the board may recall any books, papers, or publications transferred by authority of this section.

Sec. 9. The board shall make all reasonable rules and regulations which are necessary to insure efficient operation of the library.

Sec. 10. Article 1722, Revised Civil Statutes of Texas, 1925, as amended, is repealed.

Sec. 11. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

#### Committee Amendment No. 2

Amend S. B. No. 528 by striking all above the enacting clause and inserting in lieu thereof the following:

#### A BILL TO BE ENTITLED

An Act relating to the creation of the state law library to be operated and administered by the state law library board; transferring the function, duties and libraries of the library of the Supreme Court, Court of Criminal Appeals, and the Attorney General's office to the state law library; transferring to the board the money appropriated to the Supreme Court, Court of Criminal Appeals, and Attorney Gener-

al's office for the operation and administration of their libraries; repealing Article 1722, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

The House amendments were read.

Senator Word moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

(President in Chair)

#### Senate Bill 530 with House Amendment

Senator Hightower called S. B. No. 530 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the following House amendment before the Senate:

#### Amendment No. 1

Amend S. B. 530, Second Printing, by deleting the phrase "less than \$3,000 nor more than \$5,000" in lines 36 and 37, and substituting in lieu thereof the phrase "to exceed \$3,000."

The House amendment was read.

Senator Hightower moved that the Senate concur in the House amendment.

The motion prevailed.

#### Senate Bill 999 with House Amendments

Senator Ratliff called S. B. No. 999 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the following House amendment before the Senate:

#### Amendment No. 1

Amend Senate Bill No. 999 by re-numbering Sections 2, 3, and 4 as Sections 3, 4, and 5 and inserting a new Section 2 to read as follows:

Sec. 2. Subchapter V, Texas Banking Code of 1943, as amended (Article 342-501, et seq., Vernon's Texas Civil Statutes), is amended by adding an Article 9b, to read as follows:

"Article 9b. (a) An officer of a state bank who obtains a loan or extension of credit from a bank shall file at the bank of which he is an officer within ten (10) days of obtaining the loan or extension of credit, a verified statement including the amount of the loan or extension of credit and the name and address of the bank from which it was obtained. The statement shall be entered in the minutes of the board of directors.

"(b) Within ten (10) days of the effective date of this Article, every officer of a state bank shall file with the bank of which he is an officer a verified statement of all loans or extensions of credit which he owes to any bank. The statement shall include the amount of each loan or extension of credit and the name and address of the creditor bank. The statement shall be entered in the minutes of the board of directors.

"(c) A statement filed under this Article is a privileged communication. It may not be disclosed to any person other than the Commissioner or his agent or representatives, an examiner or assistant examiner, or a director of the bank.

"(d) An officer who fails to file a statement as required by this Article or who files a false statement is guilty of a misdemeanor and upon conviction is punishable by imprisonment in the county jail for not more than 30 days or by a fine of not more than \$250 or by both.

"(e) Any state bank officer convicted of a violation of this Article forfeits his office by operation of law upon conviction. He may not be an officer of a state bank within one year of conviction of a violation of this Article."

The House amendment was read.

Senator Ratliff moved that the Senate concur in the House amendment.

The motion prevailed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

(President Pro Tempore in Chair.)

#### House Concurrent Resolution 64 on Second Reading

The President Pro Tempore laid before the Senate the following resolution:

H. C. R. No. 64, Creating an interim committee on historic flags of Texas.

The resolution was read.

By unanimous consent, the resolution was considered immediately and was adopted.

#### Motion to Not Concur in House Amendments to Senate Bill 997 Reconsidered

On motion of Senator Ratliff and by unanimous consent the vote by which the Senate refused to concur in House amendments to S. B. No. 997 was reconsidered.

Question—Shall the Senate concur in House amendments to S. B. No. 997?

Senator Ratliff moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—31

Aikin	Bernal
Bates	Blanchard
Beckworth	Bridges

Brooks	Mauzy
Christie	McKool
Connally	Moore
Creighton	Patman
Grover	Ratliff
Hall	Schwartz
Harrington	Sherman
Harris	Snelson
Herring	Wallace
Hightower	Watson
Jordan	Wilson
Kennard	Word
Kothmann	

**Conference Committee Report  
on House Bill 1671**

Senator Schwartz submitted the following Conference Committee Report:

Austin, Texas.  
May 31, 1971.

Hon. Ben Barnes, President of the Senate.

Hon. Gus F. Mutscher, Speaker of the House of Representatives.

Sirs: We, your Conference Committee appointed to adjust the differences between the House and Senate on H. B. No. 1671, have met and adjusted our differences and beg leave to recommend that H. B. No. 1671 be passed in the form attached hereto.

Respectfully submitted,

SCHWARTZ  
CHRISTIE  
HALL  
MAUZY  
RATLIFF

On the part of the Senate.

FLOYD  
WOLFF  
ORR

BLANTON  
WALT PARKER

On the part of the House.

The Conference Committee Report was read and was adopted.

**House Bill 1566 on Second Reading**

On motion of Senator Schwartz and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 1566, A bill to be entitled "An Act authorizing the refund by warrant of funds deposited in the Treasury by the mistake of fact or law by the Parks and Wildlife De-

partment; requiring appropriation for this purpose; allowing Comptroller to obtain evidence of such mistake; and declaring an emergency."

The bill was read second time and passed to third reading.

**House Bill 1566 on Third Reading**

Senator Schwartz moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 1566 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

**House Bill 1565 on Second Reading**

On motion of Senator Schwartz and by unanimous consent, the regular or-

der of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 1565, A bill to be entitled "An Act establishing in the State Treasury the Parks and Wildlife Operating Fund; etc.; and declaring an emergency."

The bill was read second time and passed to third reading.

#### House Bill 1565 on Third Reading

Senator Schwartz moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 1565 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Harris
Bates	Herring
Beckworth	Hightower
Bernal	Jordan
Blanchard	Kennard
Bridges	Kothmann
Brooks	Mauzy
Christie	McKool
Connally	Moore
Creighton	Patman
Grover	Ratliff
Hall	Schwartz
Harrington	Sherman

Snelson  
Wallace  
Watson

Wilson  
Word

#### Senate Resolution 1498

Senator Hightower offered the following resolution:

Be it resolved by the Senate of the 62nd Legislature, Regular Session, that notwithstanding the provisions of any Resolution heretofore or hereafter adopted by the 62nd Legislature, Regular Session, no interim committee except those functioning on the date of the adoption of this Resolution shall take effect or be in force prior to September 1, 1971; and, be it further

Resolved, That no committee except the General Investigation Committee shall have the power to issue process for witnesses or subpoena any person or records or issue attachments in the conduct of any interim committee except as provided in the Rules of the Senate and the Legislative Reorganization Act of 1961, as amended.

The resolution was read and was adopted.

#### Senate Concurrent Resolution 95 on Second Reading

The President Pro Tempore laid before the Senate:

S. C. R. No. 95, Providing for the creation of an Interim Committee on Reverse Investment Missions.

The resolution was read.

By unanimous consent, the resolution was considered immediately and was adopted.

#### House Concurrent Resolution 128 on Second Reading

The President Pro Tempore laid before the Senate:

H. C. R. No. 128, Creating a special Interim Committee to study the feasibility of establishing facilities in Texas for desalinization of salt water for agricultural, industrial, and personal consumption in the state.

The resolution was read.

On motion of Senator Schwartz and by unanimous consent, the resolution was considered immediately and was adopted.

**Senate Bill 1024 with  
House Amendment**

Senator Creighton called S. B. No. 1024 from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the following House amendment before the Senate:

**Committee Amendment No. 1**

Amend S. B. No. 1024 by striking Section 7 and substituting the following:

"Sec. 7. The Criminal District Attorney of Eastland County, Texas, may be commissioned by the Governor and may receive as annual salary and compensation \$6,300 from the State of Texas. The Commissioners Court of Eastland County may, in its discretion, supplement the salary paid by the state but in no event may the total annual salary paid by the state and the county exceed \$15,500. The sum paid by the county shall be paid out of the Officers Salary Fund of Eastland County, if adequate; if inadequate, the Commissioners Court shall transfer the necessary funds from the General Fund of the county to the Officers Salary Fund."

The House amendment was read.

Senator Creighton moved that the Senate concur in the House amendment.

The motion prevailed by the following vote:

**Yeas—31**

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

**Senate Bill 99 with  
House Amendment**

Senator Creighton called S. B. No. 99 from the President's table for

consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the following House amendment before the Senate:

**Committee Amendment No. 1**

Amend Senate Bill No. 99 by deleting the period after the word "therewith" in the 1st paragraph on page 2 and adding the following:

"except indexes, original opinions, and records of the minutes."

The House amendment was read.

Senator Creighton moved that the Senate concur in the House amendment.

The motion prevailed by the following vote:

**Yeas—31**

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

**House Concurrent Resolution 110  
on Second Reading**

The President Pro Tempore laid before the Senate:

H. C. R. No. 110, That a special interim committee of six members be created to conduct a study of no-fault automobile insurance and competitive automobile insurance rate-making.

The resolution was read.

On motion of Senator Ratliff and by unanimous consent, the resolution was considered immediately and was adopted.

**Senate Concurrent Resolution 94  
on Second Reading**

The President Pro Tempore laid before the Senate:



S. C. R. No. 94, Providing for the creation of an Election Code Revision Committee.

The resolution was read.

On motion of Senator Hightower and by unanimous consent, the resolution was considered immediately and was adopted.

#### House Concurrent Resolution 130

The President Pro Tempore laid before the Senate:

H. C. R. No. 130, Creating the Committee on State and Local Tax Policy.

The resolution was read.

On motion of Senator McKool and by unanimous consent, the resolution was considered immediately and was adopted.

#### Senate Bill 998 with House Amendments

Senator Ratliff called S. B. No. 998 from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and the following House amendments before the Senate:

#### Amendment No. 1

Amend Senate Bill 998 by striking all below the enacting clause and insert in lieu thereof the following:

Section 1. Chapter VII of the Texas Banking Code of 1943, Acts of the 48th Legislature, is hereby amended by adding thereto a new article, being numbered 2, which shall read as follows:

"Article 2. Brokered funds defined—Reporting — Commissioners Authority.

"For the purpose of this article, 'brokered funds' are funds accepted by a bank on which a fee in money is paid or agreed to be paid, directly or indirectly, either to the depositor of such funds or a third party by such bank or a third party, in addition to any interest to be paid under the contract of repayment.

"In the event that any bank shall accept brokered funds as defined herein, it shall forthwith notify the Commissioner in writing of the acceptance of such funds, the depositor and his

address, any loans, if any, made in consideration of or conditioned upon said deposit, and listing the borrower, his address, and any collateral securing said loan, and such other information concerning said deposit and loan as the Commissioner may require and on such forms as may be prescribed by the Commissioner. The Commissioner may further require any bank to report such brokered funds and loans as above described, if any, which have been accepted or made previous to the effective date of this Act.

"Provided however, should the Commissioner find from examination or other evidence that a bank is being operated in an unsafe manner, or insolvency of the bank is threatened, or the continued acceptance of brokered funds will threaten the liquidity of the bank, then the Commissioner shall have the authority to act as follows:

"(a) to issue an order to cease and desist from further accepting any brokered funds, or otherwise to regulate the amount of such funds which may be accepted or the rate of interest to be paid, and

"(b) to issue a written order stating that after the effective date thereof all brokered funds accepted by said bank shall be and are hereby classified as the issuance, sale and negotiation of 'notes, bonds, and other evidences of indebtedness' by the bank as provided in paragraph (h), Article 1, Chapter III of such Code, and not as deposits received by the bank as provided in paragraph (a), Article 1, Chapter III of the Banking Code of 1943 as amended. In the event that brokered funds are accepted after issuance of such order, it shall be the duty of said bank to state in the contract of repayment that in the event of liquidation of the issuing bank, the owner and holder of such contract of repayment shall be considered and treated as a common creditor and not as a depositor of the bank, and a cash reserve of ten percent (10%) of the total outstanding brokered funds shall be maintained against such funds, in the same manner as cash reserves are maintained against demand deposits and time deposits.

"Provided further, that the Commissioner may exercise any or all of the powers above provided, which shall be cumulative of any other pow-

ers and remedies provided elsewhere in this Code."

Section 2. Articles 1 through 6 of Chapter VII of The Texas Banking Code of 1943 having been heretofore repealed at the time of the enactment of The Uniform Commercial Code by the 59th Legislature, Acts 1965, the remaining Articles in said Chapter VII are hereby renumbered as follows:

"Article 7 is renumbered as Article 1.

"Article 7a is renumbered as Article 3.

"Article 8 is renumbered as Article 4.

"Article 9 is renumbered as Article 5.

"Article 10 is renumbered as Article 6."

Section 3. If any provision, section, sentence, clause or part of this Act or the application thereof to any person or circumstance is held invalid, such holding shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application and to this end the provisions of this Act are declared to be severable.

Section 4. All laws or parts of laws which are in conflict with this Act are hereby repealed or modified to the extent of such conflict only.

Section 5. The need for modernization and clarification of The Texas Banking Code of 1943, so that banks may better serve their communities, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended; and this Act shall take effect and be in force from and after its passage, and it is so enacted.

#### Floor Amendment No. 2

Strike all above the Enacting Clause and substitute the following:

#### A BILL TO BE ENTITLED

An Act amending Chapter VII of The Texas Banking Code of 1943, Acts 48th Legislature, by adding thereto a new article, being numbered 2, relating to and defining brokered funds, relating to authority of the Commissioner to regulate the acceptance of such funds by a state bank; renumbering the remaining

Articles of Chapter VII of The Texas Banking Code of 1943; providing for severability; providing that all laws or parts of laws which are in conflict with this Act are repealed or modified to the extent of such conflict; and declaring an emergency.

The House amendments were read.

Senator Ratliff moved that the Senate concur in the House amendments.

The motion prevailed.

#### Motion to Place House Bill 237 on Second Reading

Senator Connally asked unanimous consent, to suspend the regular order of business and take up H. B. No. 237 for consideration at this time.

There was objection.

#### House Bill 1176 on Second Reading

On motion of Senator Bernal and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 1176, A bill to be entitled "An Act declaring certain tuition payments to non-public education institutions to be a charitable contribution to the State of Texas; and declaring an emergency."

The bill was read second time and passed to third reading.

#### House Bill 1176 on Third Reading

Senator Bernal moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 1176 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Connally
Bates	Creighton
Beckworth	Grover
Bernal	Hall
Blanchard	Harrington
Bridges	Harris
Brooks	Herring
Christie	Jordan

Kennard	Schwartz
Kothmann	Sherman
McKool	Wallace
Moore	Watson
Patman	Wilson
Ratliff	Word

Nays—3

Hightower	Snelson
Mauzy	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time.

**House Bill 1176 Laid on Table  
Subject to Call**

On motion of Senator Bernal and by unanimous consent H. B. No. 1176 was Laid on Table Subject to Call.

**Conference Committee Report  
on House Bill 146**

The Senate resumed the consideration of the pending business, same being the Conference Committee Report on S. B. No. 146.

Question—Shall the Conference Committee Report on S. B. No. 146 be adopted?

On motion of Senator Mauzy and by unanimous consent, the Conference Committee Report was temporarily withdrawn.

(President in Chair.)

**Motion to Not Concur in House  
Amendments to Senate Bill 537  
Reconsidered**

On motion of Senator Mauzy and by unanimous consent, the vote by which the Senate refused to concur in House amendments to S. B. No. 537 was reconsidered.

Question—Shall the Senate concur in House amendments to S. B. No. 537?

Senator Mauzy moved that the Senate concur in the House amendments.

The motion prevailed.

**House Bill 28 on Second Reading**

On motion of Senator Wilson and by unanimous consent, the regular order of business was suspended to take

up for consideration at this time on its second reading and passage to third reading:

H. B. No. 28, A bill to be entitled "An Act to amend Chapter 271, General Laws, Acts of the 42nd Legislature, Regular Session, 1931 (Article 5421c, Vernon's Texas Civil Statutes), by adding a new Section 5-A providing a procedure whereby a good faith claimant and occupier of land discovered to be possibly vacant may, under specified conditions, purchase said land not to exceed 100 acres; etc.; and declaring an emergency."

The bill was read second time and passed to third reading.

**Record of Vote**

Senator Grover asked to be recorded as voting "Nay" on the passage of the bill to third reading.

**House Bill 28 on Third Reading**

Senator Wilson moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 28 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Hightower
Bates	Jordan
Beckworth	Kennard
Bernal	Kothmann
Bridges	McKool
Brooks	Moore
Christie	Patman
Connally	Schwartz
Creighton	Wallace
Hall	Watson
Harrington	Wilson
Harris	Word
Herring	

Nays—6

Blanchard	Ratliff
Grover	Sherman
Mauzy	Snelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**Record of Votes**

Senators Blanchard, Sherman, Grover, Kennard, Ratliff, Christie, Mauzy and Snelson asked to be recorded as voting "Nay" on the final passage of the bill.

**Conference Committee Report  
on House Bill 203**

Senator Hall submitted the following Conference Committee Report:

Austin, Texas,  
May 31, 1971.

Hon. Ben Barnes, President of the Senate.

Hon. Gus F. Mutscher, Speaker of the House of Representatives.

Sirs: We, your Conference Committee appointed to adjust the differences between the House and Senate on House Bill No. 203, have met and adjusted our differences and beg leave to recommend that House Bill No. 203 be passed in the form attached hereto.

Respectfully submitted,

HALL  
WILSON  
SNELSON  
HIGHTOWER  
WORD

On the part of the Senate.

NUGENT  
PICKENS  
JONES of Taylor  
BLANTON  
COBB

On the part of the House.

The Conference Committee Report was read and was adopted by the following vote:

**Yeas—26**

Aikin	Kennard
Bates	Kothmann
Beckworth	Mauzy
Bernal	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Grover	Schwartz
Hall	Sherman
Harrington	Snelson
Herring	Watson
Hightower	Wilson
Jordan	Word

**Nays—5**

Blanchard	Harris
Connally	Wallace
Creighton	

**House Joint Resolution 96  
on Second Reading**

Senator Hall asked unanimous consent to suspend the regular order of business and take up H. J. R. No. 96 for consideration at this time.

There was objection.

Senator Hall then moved to suspend the regular order of business and take up H. J. R. No. 96 for consideration at this time.

The motion prevailed by the following vote:

**Yeas—26**

Aikin	Kothmann
Bates	Mauzy
Beckworth	McKool
Bernal	Moore
Bridges	Patman
Brooks	Ratliff
Christie	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Herring	Watson
Hightower	Wilson
Kennard	Word

**Nays—4**

Blanchard	Creighton
Connally	Harris

**Absent**

Jordan

The President laid before the Senate on its second reading and passage to third reading:

H. J. R. No. 96, Proposing an amendment to Article III, of the Texas Constitution, adding a new Section 65 to establish a commission to set rules of ethics and rules for filing of financial statements for legislators and State officers and officers of the Legislature and to recommend improvements and economy in the Legislative process.

The resolution was read second time.

Question—Shall H. J. R. No. 96 be passed to third reading?

**Senate Bill 1012 with  
House Amendment**

Senator Harris called S. B. No. 1012 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the following House amendment before the Senate:

**Amendment No. 1**

Amend S. B. 1012 by striking all below the enacting clause and insert:

Section 1. Section 23, Article I, Texas Liquor Control Act, as amended (Article 666-23, Vernon's Texas Penal Code) is amended to read as follows:

"Art. 666-23. Dry and wet areas; definitions. Whenever the term 'dry area' is used in this Act, it shall mean and refer to all counties, justice precincts, incorporated cities or towns wherein the sale of alcoholic beverages had been prohibited by valid local option elections held under the laws of the State in force at the time of taking effect of Section 20, Article XVI, Constitution of Texas in the year 1919. It likewise shall mean and refer to any such areas where sale of such alcoholic beverages shall be prohibited under the terms of this Act.

"The term 'wet area' shall mean and refer to all other areas of the State.

"As to any particular type of alcoholic beverage, each county, justice precinct, incorporated city or town within this State shall be deemed to be a 'dry area' unless such political subdivision was a 'wet area' at the time Section 20 of Article XVI of the Constitution became effective and has not since said time changed its status, or unless the sale of that particular type of alcoholic beverage has been legalized by local option election in such political subdivision since that time; provided, however, the Commissioners Court of any county of over 500,000 population according to the last federal census, may designate that the area actually encompassed by the building structure of a professional sports stadium, which is used wholly or partly for professional sporting events, having a seating capacity of 40,000 or more, and the land, not to exceed 125 acres, adjacent to such stadium used for the benefit of such stadium (regardless of ownership of such land) and where no registered voters reside, and/or the area actually encompassed by the building structure of a regional airport, shall be wet for purposes of the sale of mixed beverages, only, under this Act; provided,

further that such Commissioners Court shall have authority to so declare only in counties where the sale of all alcoholic beverages has been legalized, either throughout the entire county or any portion of such county, and where a majority of the voters in the county in which such sports stadium or regional airport is located, at the general election on November 3, 1970, approved the constitutional amendment authorizing mixed beverage local option elections; and such order of the Commissioners' Court designating such area wet for the purposes of the sale of mixed beverages will authorize the issuance of a Mixed Beverage Permit.

"The term 'wet area' shall be construed as including in each particular instance only alcoholic beverages of a type or alcoholic beverage not exceeding in alcoholic content that which have been legalized by a valid local option election in the prescribed area, except as otherwise provided above.

"The trial courts of this State shall take judicial knowledge of the status of wet and dry areas as herein defined in any criminal prosecution.

"An allegation that any county or political subdivision as herein provided is a dry area as to any particular type of alcoholic beverage shall in law be deemed sufficient in any information, complaint, or indictment; provided, however, that a different status of such area may be urged and proved as a defense."

Section 2. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Section 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and the Rule is hereby suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted.

The House amendment was read.

Senator Harris moved that the Senate concur in the House amendment.

The motion prevailed.

#### Record of Votes

Senator Watson, Schwartz, Snelson and Blanchard asked to be recorded as voting "Nay" on the motion to concur in House amendment to S. B. No. 1012.

#### Message From Governor

The following message received from the Governor was read and was filed with the Secretary of the Senate:

#### PROCLAMATION

by the

Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

I, Preston Smith, Governor of the State of Texas, do by virtue of authority vested in me by the Constitution of Texas, hereby call a special session, 62nd Legislature, to be convened in the City of Austin, commencing at 12:01 a.m., Tuesday, the 1st day of June, A.D. 1971, for the following purposes:

1. To enact legislation to apportion the State of Texas into Congressional Districts in accordance with the 1970 United States decennial census.

2. To consider and act on such other subjects and questions as the Governor may submit from time to time.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

Done at Austin, Texas, this 31st day of May, A.D. 1971, under the Seal of this State properly attested by the Secretary of State.

PRESTON SMITH  
Governor

Attest:

MARTIN DIES, JR.,  
Secretary of State.  
(SEAL)

#### House Concurrent Resolution 195 on Second Reading

On motion of Senator Herring and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 195, Authorizing the Enrolling Clerk of the Senate to make corrections in Senate Bill 534.

The resolution was read.

On motion of Senator Herring and by unanimous consent, the resolution was considered immediately and was adopted.

(President Pro Tempore in Chair.)

#### Motion in Writing

Senator Aikin submitted the following Motion in Writing:

Mr. President:

I move that the President be authorized to appoint a committee of three (3) members to notify the Governor that the Senate has completed its labors and is ready to adjourn sine die.

AIKIN

The Motion in Writing was read and was adopted.

The President Pro Tempore announced the appointment by the President of the following as a committee to notify the Governor: Senators Aikin, Kothmann and Bernal.

#### Motion in Writing

Senator Aikin submitted the following Motion in Writing:

Mr. President:

I move that the President be authorized to appoint a committee of three (3) members to notify the House of Representatives that the Senate has completed its labors and is ready to adjourn sine die.

AIKIN

The Motion in Writing was read and was adopted.

The President Pro Tempore announced the appointment by the President of the following as a committee to notify the House: Senators Aikin, Kothmann and Bernal.

(Senator Aikin in Chair.)

#### Senate Concurrent Resolution 140

Senator Aikin offered the following resolution:

S. C. R. No. 140, Providing for Sine Die adjournment of the 62nd Legislature, Regular Session.

H. C. R. No. 64.  
 H. J. R. No. 58.  
 H. B. No. 1671.  
 H. B. No. 724.  
 H. J. R. No. 82.  
 H. C. R. No. 128.  
 H. J. R. No. 95.  
 H. C. R. No. 110.  
 H. C. R. No. 130.  
 H. C. R. No. 136.  
 H. B. No. 244.  
 H. B. No. 750.  
 H. B. No. 825.  
 H. B. No. 1393.  
 H. B. No. 955.  
 H. B. No. 1565.  
 H. B. No. 1596.  
 H. B. No. 1756.  
 H. B. No. 1584.  
 H. B. No. 203.  
 H. B. No. 783.  
 H. B. No. 28.  
 H. B. No. 1163.  
 H. C. R. No. 195.  
 H. B. No. 6.

#### Memorial Resolutions

S. R. No. 1466—By Senator Snellson: Memorial resolution for Mrs. Florence Fenley.

S. R. No. 1493—By Senator Wilson: Memorial resolution for J. Elbert Reese.

S. R. No. 1499—By Senator Herring: Memorial resolution for Jim Novy.

S. R. No. 1500—By Senator Wallace: Memorial resolution for Audie Murphy.

S. R. No. 1502—By Senator Hall: Memorial resolution for Dallas County Sheriff's Deputies Sam Infante, A. J. Robertson, and Don Reese.

#### Welcome and Congratulatory Resolutions

H. C. R. No. 193—Recognizing the accomplishments of Dr. J. William Davis for his service to Texas Tech University.

S. R. No. 1463—By Senator McKool: Extending commendation to pupils from Northwood Hills Elementary School, Dallas, for their excellence in scholastic activities.

S. R. No. 1470—By Senator Bernal: Extending congratulations to Radio Station KBAT and its manager, Rick Marcellan, for its clever, thought-provoking messages.

S. R. No. 1471—By Senator Brooks: Extending welcome to Mr. and Mrs. Harold Heath of Deer Park.

S. R. No. 1473—By Senator Watson: Extending commendation to Robert Hawkins of Waco, nominated to appear in the 1971 edition of Outstanding Young Men of America.

S. R. No. 1474—By Senator Bates: Extending congratulations to Pan American University baseball team.

S. R. No. 1475—By Senator Word: Extending commendation to the staff of Senator Wayne Connally.

S. R. No. 1476—By Senator Watson: Extending welcome to Mr. and Mrs. Roy Shepperd.

S. R. No. 1477—By Senator McKool: Extending commendation to Kerry Early for his unselfish concern for a fellow student.

S. R. No. 1484—By Senator Herring: Extending commendation to Mrs. Alden Davis for her dedicated efforts to make Austin an even more beautiful and appealing place to live.

S. R. No. 1486—By Senator Wilson: Extending congratulations to 1971 Lufkin Panther baseball team, 14-AAAA championship.

S. R. No. 1487—By Senator Wilson: Extending commendation to Roberto Medrano for his contributions to the goals of education and for his efforts on behalf of the people of Dallas.

S. R. No. 1488—By Senator Wilson: Extending congratulations to the Corrigan-Camden Bulldogs.

S. R. No. 1489—By Senator Wilson: Extending congratulations to 21-A All-District Basketball team members from Pineland.

S. R. No. 1490—By Senator Wilson: Extending congratulations to 21-A All District Basketball team members from Hemphill.

S. R. No. 1491—By Senator Wilson: Extending commendation to Texas Forestry Association for its Woodlands Trails program.

S. R. No. 1497—By Senator Watson: Extending welcome to Bob Elliott of Cameron.

#### Adjournment Sine Die

The President announced that the hour for final adjournment of the Regular Session of the Sixty-second Legislature had arrived.

Senator Jordan moved that the Senate of the Sixty-second Legislature stand adjourned sine die.

The motion prevailed and the President declared the Regular Session of the Sixty-second Legislature adjourned sine die at 12:00 o'clock m.

#### APPENDIX

Austin, Texas,  
May 31, 1971.

The Honorable Preston Smith  
Governor of Texas  
Austin, Texas

Dear Governor Smith:

On a recent communication the Senate notified you that the term of Gilbert M. Denman, Jr., to be a member of the Texas Fine Arts Commission would expire August 31, 1973. This should correctly have been August 31, 1975.

Also, you were notified Captain Harold Percy Lister, Branch Pilot for the Port Aransas Bar, Corpus Christi Bay and Tributaries term was confirmed to expire November 3, 1973. This should have been for a term to expire November 30, 1973.

Please make these two corrective changes.

Sincerely yours,  
CHARLES A. SCHNABEL  
Secretary of the Senate.

Austin, Texas,  
May 31, 1971.

The Honorable Preston Smith  
Governor of Texas  
Austin, Texas

Dear Governor Smith:

Pursuant to your request, the Senate of the 62nd Legislature, Regular

Session, is returning the following appointments:

Arthur Temple, Jr.

To be a Member of the Board of Directors of the Neches River Conservation District

Richard Lee Penn

To be a Member of the Industrial Accident Board

Sincerely yours,

CHARLES A. SCHNABEL  
Secretary of the Senate

#### APPENDIX

The following in the complete text of S. C. R. No. 4, the Joint Rules of Procedure for the Senate and House of Representatives which was read and adopted by the Senate on page 60 of the Journal:

#### JOINT RULES OF THE TWO HOUSES

##### NOTICE OF CONVENING

1. At the convening of any new session of the Legislature, Regular or Called, each House shall proceed with its own organization and shall give notice to the other House as soon as it is organized and ready to conduct business.

2. Each House shall record in its Journal on the day and at the time of the event the fact: (1) that it gave notice to the other House that it had completed its own organization, and (2) that it received notice from the other House that such other House had completed its organization.

3. Each House shall give notice to the Governor that it has completed its organization and is ready to conduct business, and the fact of such notice shall be recorded in its Journal on the day and at the time of the event.

#### COMMUNICATIONS BETWEEN THE TWO HOUSES

4. When a message is sent from the Senate to the House of Representatives, it shall be announced at the door of the House by the doorkeeper, and shall be respectfully communicated to the chair by the person delivering the same. The same ceremony shall be observed when a message is sent from the House of Representatives to the Senate.



5. All messages between the Houses relating to the passage or rejection of any bills, resolutions, or other matter shall be on paper and properly addressed to the presiding officer of the House to which the message is sent, and shall be under the signature of the Secretary of the Senate or the Chief Clerk of the House, as the case may be. All such messages shall be printed in full in the Journal of the House receiving same.

6. In the transmission of a bill or resolution from one House to the other, such bill or resolution shall be accompanied by all papers upon which such bill or resolution is founded.

7. When a bill, joint resolution or concurrent resolution has been defeated in the Senate or in the House (or defeated in a committee of either House), the Secretary of the Senate or the Chief Clerk of the House, as the case may be, shall immediately notify the other House of the defeat of said bill or resolution and transmit a copy of the caption of such defeated bill or resolution.

#### JOINT SESSIONS OF THE TWO HOUSES

8. The two Houses may be convened in Joint Session by the passage of a concurrent resolution.

9. In all Joint Sessions, the Senate will meet with the House in the Hall of the House at the hour fixed for such session. The Speaker of the House will preside. The President of the Senate shall take a seat to the right of the Speaker, and the Senators shall take seats in front of the Speaker's desk. The President shall call the Senate to order and ascertain the presence of a quorum. The Speaker shall call the House to order and ascertain the presence of a quorum. The Speaker shall then proceed to lay before the Joint Session whatever matter the Joint Session was convened to consider.

10. When the Joint Session has completed the business for which it was convened, the President shall retire the Senate to its Chamber or take such other action as may have been previously authorized by the Senate. The Speaker shall then have the House stand at ease until the Senate retires or take such other action as may

have been previously authorized by the House.

#### ELECTIONS BY JOINT VOTE OF THE TWO HOUSES

11. In all elections by joint vote of the two Houses of the Legislature, the Senate, upon invitation, will meet with the House in its Hall at the agreed hour. The Speaker of the House will preside. The President of the Senate shall take a seat to the right of the Speaker, and the Senators shall take seats in front of the Speaker's desk. The names of the Senators shall then be called alphabetically, after which the names of the Representatives shall be called in like manner, and if a quorum of both Houses answer to their names, the two Houses will proceed with the business for which they have met. The President of the Senate shall first call for nominations by Senators and the Speaker of the House shall then call for nominations by Representatives. Nominations being made, the names of the Senators shall be called by the Secretary and their votes recorded by him. The names of the Representatives shall then be called by the Clerk, and their votes recorded by him, and the result shall be handed to and announced by the Speaker. Should a majority be required to elect, and no person receives a majority, the voting shall be repeated until an election is made. After the conclusion of the election for which the two Houses have met in Joint Session, the Senate shall retire to its Chamber, and the result of the joint vote shall be entered in the Journal of each House.

12. If a quorum of either House shall fail to attend a Joint Session, or absent themselves therefrom without the permission of such House, the members of the House so wanting a quorum shall have the right to compel the attendance of the absentees in accordance with its own rules; and, after a reasonable time, if a quorum is not obtained, the Joint Session may be adjourned by the vote of a majority of the members of either House, which vote shall be taken by the presiding officer of either House, on the motion of any one of its members, without debate.

13. If no choice shall have been made on the first ballot or vote, at any

time thereafter the Joint Session may be adjourned, with or without naming another day for meeting, by a vote of a majority of either House, on the motion of any one of its members, without debate.

#### CONSIDERATION OF BILLS

14. When any Senate bill shall be reached upon the calendar or shall be before the Senate for consideration, it shall be the duty of the President to give the place of such bill on the calendar to any House bill which has been referred to and reported from a committee of the Senate, and which is substantially the same as said Senate bill, or to lay such House bill before the Senate to be considered in lieu of such Senate bill.

15. On calendar Wednesday and Thursday only of each week, House bills and House joint resolutions shall be taken up and considered in the Senate until disposed of; and in case a House bill should be pending at adjournment on Thursday, it shall go over to the succeeding calendar Wednesday as unfinished business; provided, however, this rule as to such pending business at adjournment on calendar Thursday may be suspended by a two-thirds vote of the Senate to permit the continued consideration of such pending business.

16. When any House bill shall be reached upon the calendar or shall be before the House for consideration, it shall be the duty of the Speaker to give the place of such bill on the calendar to any Senate bill which has been referred to and reported from a committee of the House, and which is substantially the same as said House bill, or to lay such Senate bill before the House to be considered in lieu of such House bill.

17. On calendar Wednesday and Thursday only of each week, Senate bills and Senate joint resolutions shall be taken up and considered in the House until disposed of; and in case a Senate bill should be pending at adjournment on Thursday, it shall go over to the succeeding calendar Wednesday as unfinished business; provided, however, this rule as to such pending business at adjournment on calendar Thursday may be suspended by a two-thirds vote of the House to permit the continued consideration of such pending business.

18. No bill shall be considered, unless it has first been referred to a committee and reported thereon, and no bill shall be passed which has not been presented and referred to and reported from a committee at least three days before the final adjournment of the Legislature (Constitution, Article III, Section 37). No vote shall be taken upon the passage of any bill within the last twenty-four hours of the session, unless it be to correct an error therein.

19. In reckoning the time within which a bill has been introduced, the date of its first introduction in either House shall govern.

20. In order to assure the continuation of financial support of existing state services through the consideration and passage of the General Appropriations Bill, it shall not be in order during the first 120 days of the regular session for the respective presiding officer to lay before either House of the Legislature, or for either House or any committee thereof, to consider, prior to the consideration, passage and certification by the Comptroller of the General Appropriations Bill, any bill which directly or indirectly:

1. Appropriates money from the State Treasury;
2. Prevents any money from entering the State Treasury;
3. Transfers, diverts or appropriates money in the State Treasury from one fund to another fund except from a special fund into the General Fund; or
4. Requires certification of the Comptroller under Article 3, Section 49a, of the Constitution.

The provisions of this Rule shall not apply to any bills appropriating money for:

1. The payment of expenses of the Legislature;
2. The payment of judgments against the State; or
3. Any emergency matter when requested by the Governor in a formal message to the Legislature.

The General Appropriations Bill shall be reported to the Senate by its Finance Committee and to the House by its Appropriations Committee not

later than the seventieth calendar day of the Regular Session.

#### FORM OF BILLS

21. To enable members of the Legislature to understand more fully and more easily the nature and legal effect of matters under consideration, all bills and resolutions shall conform to the following requirements:

(a) If a bill or resolution proposes to amend an existing portion of the Constitution, a statute, or a legislative rule, the complete text of the existing portion of such Constitution, statute or rule shall be quoted in full.

(b) Language to be added to the existing portion of the Constitution, statute or rule shall be inserted in its appropriate place in the text thereof and shall be underlined.

(c) Language to be deleted from the existing portion of the Constitution, statute or rule shall be typed in solid capital letters and enclosed in parentheses.

(d) If the language to be added is to replace a part of the existing text, the new language shall precede the existing text which is being replaced.

(e) If a portion of a word is being changed (such as correcting capitalization, spelling or punctuation), the entire word shall be replaced. Such word shall first be inserted correctly and underlined, followed by the word as it appears in existing text, then typed in solid capital letters and enclosed in parentheses.

22. If the proposal to amend an existing portion of the Constitution, a statute or a legislative rule involves a complete redraft of the entire text thereof, to the extent that it would confuse rather than clarify to show additions and deletions, the foregoing rule will not apply; however, the presiding officer of the group having such proposal under consideration shall strictly construe the foregoing rule to achieve the purposes thereof.

23. Compliance with the foregoing two rules shall be required at all stages of the legislative process except in the engrossing and enrolling of the bill or resolution, when the underlining and the deleted text shall be omitted.

#### CONFERENCE COMMITTEES

24. When a bill or resolution passed

by one House is amended in the other House, and the originating House fails to concur in the amendments, the disagreement shall be resolved by a motion in the originating House not to concur and to request the appointment of a conference committee. Prompt notice of action on such motion shall be given to the other House and included in such notice shall be the names of those named by the presiding officer of the originating House as members of the conference committee. Upon the receipt of such request for a conference committee, the receiving House shall promptly act thereon by motion to grant or not to grant a conference committee. If the motion to grant prevails, such notice shall include the names of the member of the conference committee named by the presiding officer of the receiving House, whereupon the conference committee shall be officially constituted and authorized to proceed with the business for which it was created.

25. In all conferences between the Senate and the House by committee, the number of committeemen from each House shall be five (5), and all votes on matters of difference shall be taken by each committee separately, and it shall require a majority of each committee to determine the matter in dispute. Reports of conference committees must be signed by a majority of each committee of the conference.

26. The members of the conference committee named by the presiding officer of the originating House shall select one of their number to serve as chairman of the conference committee. The chairman shall fix a time and place for the conference committee to meet and shall give adequate notice thereof to all members of the conference committee. The committee shall meet at the appointed hour, confer freely on the matters in disagreement and apply themselves diligently in an effort to reconcile such differences. All meetings of conference committees shall be open to the public and press.

27. Conference committees shall limit their discussions and their actions solely to the matters in disagreement between the two Houses. A conference committee shall have no

authority with respect to any bill or resolution:

1. To change, alter, or amend text which is not in disagreement;

2. To omit text which is not in disagreement;

3. To add text on any matter which is not in disagreement;

4. To add text on any matter which is not included in either the House or Senate version of the bill or resolution.

This rule shall be strictly construed by the presiding officer in each House to achieve the purposes hereof.

28. Conference committees on appropriation bills, like other conference committees, shall limit their discussions and their actions solely to the matters in disagreement between the two Houses. In addition to the limitations contained elsewhere in these rules, a conference committee on appropriations bills shall be strictly limited in its authority as follows:

1. If an item of appropriation appears in both House and Senate versions of the bill, such item must be included in the conference report.

2. If an item of appropriation appears in both House and Senate versions of the bill, and in identical amounts, no change can be made in such item or the amount thereof.

3. If an item of appropriation appears in both House and Senate versions of the bill but in different amounts, no change can be made in the item, but the amount thereof shall be at the discretion of the conference committee provided that such amount shall not exceed the larger version and shall not be less than the smaller version.

4. If an item of appropriation appears in one version of the bill and not in the other, such item can be included or omitted at the discretion of the conference committee. If the item is included, the amount thereof shall not exceed the sum specified in the version containing such item.

5. If an item of appropriation appears in neither the House nor the Senate version of the bill, such item must not be included in the conference report.

This rule shall be strictly construed by the presiding officer in each House to achieve the purposes hereof.

29. Conference committees on tax bills, like other conference committees, shall limit their discussions and their actions solely to the matters in disagreement between the two Houses. In addition to the limitations contained elsewhere in these rules, a conference committee on a tax bill shall be strictly limited in its authority as follows:

1. If a tax item appears in both House and Senate versions of the bill, such item must be included in the conference report.

2. If a tax item appears in both House and Senate versions of the bill, and in identical form and with identical rates, no change can be made in such item or the rate therein provided.

3. If a tax item appears in both House and Senate versions of the bill but at differing rates, no change can be made in the item, but the rate thereof shall be at the discretion of the conference committee, provided that such rate shall not exceed the higher version and shall be not less than the lower version.

4. If a tax item appears in one version of the bill and not in the other, such item can be included or omitted at the discretion of the conference committee. If the item is included, the rate thereof shall not exceed the rate specified in the version containing such item.

5. If a tax item appears in neither the House nor the Senate version of the bill, such item must not be included in the conference report.

This rule shall be strictly construed by the presiding officer in each House to achieve the purposes hereof.

30. Conference committees on reapportionment bills, to the extent possible, shall limit their discussions and their actions to the matters in disagreement between the two Houses. Since the adjustment of one district in a reapportionment bill will inevitably affect other districts therein, the strict rule of construction imposed on other conference committees must be relaxed somewhat when reapportionment bills are involved. Accordingly, the following authority and limitations shall apply only to conference committees on reapportionment bills:

1. The conference committee shall have wide discretion in rearranging

all districts to the extent necessary to resolve all differences between the two Houses.

2. Insofar as the actual structure of the districts is concerned the provisions of Joint Rule 27 shall not apply to conference committees on reapportionment bills.

31. Conference committees on recodification bills, like other conference committees, shall limit their discussions and their actions solely to the matters in disagreement between the two Houses. The comprehensive and complicated nature of recodification bills makes necessary the relaxing of the strict rule of construction imposed on other conference committees only to the following extent:

1. If it develops in conference committee that material has been inadvertently included in both House and Senate versions which properly has no place in such recodification, such material may be omitted from the conference report, if by such omission the existing statute thereon is not repealed, altered or amended.

2. If it develops in conference committee that material has been inadvertently omitted from both the House and Senate versions which properly should be included if such recodification is to achieve its purpose of being all-inclusive of the statutes being recodified, such material may be added to the conference report, if by such addition the existing statute is merely restated without substantive change in existing law.

32. Limitations imposed on certain conference committees by the provisions of Joint Rules 28, 29, 30 and 31 may be suspended in part, by permission of both Houses, to enable consideration of and action on a specific matter or matters which otherwise would be in violation thereof. Such permission shall be granted only by concurrent resolutions passed by majority vote in each House, with yeas and nays thereon to be recorded in the Journals of the respective Houses. Such concurrent resolutions shall specify in detail: (1) the exact nature of the matter or matters proposed to be considered, (2) the specific limitation or limitations to be suspended thereby, (3) the specific action contemplated by the conference committee thereon, and (4) the reasons why suspension of such limitations is be-

ing requested. Permission thus granted shall suspend such limitations only for the matter or matters clearly specified in the resolution, and action of the conference committee shall be in conformity therewith.

33. All conference committee reports on appropriation bills, tax bills, reapportionment bills and recodification bills must be reproduced and a copy thereof furnished to each member at least forty-eight hours before any action thereon can be taken by either House.

34. All conference committee reports on bills other than appropriation, tax, reapportionment and recodification bills must be reproduced and a copy thereof furnished to each member at least twenty-four hours before any action thereon can be taken by either House; provided, however, that the twenty-four hour delay on action by either House, as herein provided, shall not apply during the last forty-eight hours of any session.

35. Each conference committee report, regardless of its subject matter, must have attached thereto a section by section analysis showing the disagreements which have been resolved by the conference committee. This analysis must show, for each and every disagreement, in parallel columns: (1) the substance of the House version, (2) the substance of the Senate version, and (3) the substance of the recommendation thereon by the conference committee. No action shall be taken by either House on any conference committee report in the absence of such an analysis except by an affirmative vote of two-thirds of the members present, with the yeas and nays thereon to be recorded in the Journal of such House.

36. The presiding officer of each House shall rule out of order any conference committee report made or which is in violation of any of the provisions and limitations contained in the Joint Rules.

37. Each conference committee report, regardless of its subject matter, shall be printed only once in the Journal, such printing to be determined as follows: (1) if the conference committee report involves a House bill, such report shall be printed in the House Journal and not in the Senate Journal; and (2) if the conference committee report involves

a Senate bill, such report shall be printed in the Senate Journal and not in the House Journal.

#### ENROLLING AND SIGNING BILLS

38. After a bill shall have passed both Houses, it shall be duly enrolled including all proper endorsements, following which it shall be examined by the Joint Legislative Committee on Administration, hereinafter created. The Joint Committee shall carefully compare the enrolled bill with the drafts of such bill as passed by the respective Houses, correct any and all errors made in the enrollment thereof, and report thereon to the respective Houses. Such report shall be accompanied by a copy of the bill and shall, except for local bills, be printed in the Journal of the House in which such bill originated.

39. There is hereby created the Joint Legislative committee on Administration whose membership shall consist of all members of the Senate named by the President to be members of the Senate Committee on Rules and all members of the House named by the Speaker to be members of the House Committee on Enrolled and Engrossed Bills; provided, however, that not more than five such members can be named by either House. During each two-year period immediately following an election for president of the United States, the chairman of the Senate Committee on Rules shall be chairman and the chairman of the House Committee on Enrolled and Engrossed Bills shall be vice-chairman of the Joint Committee, which positions shall be reversed in the subsequent two-year period in such manner that the chairman of the Joint Committee shall alternately be a member of the Senate for two years and then a member of the House for two years, with the vice-chairman in each instance to be a member of the other House. The Joint Committee shall conduct studies of various phases of legislative administration, such as printing, enrolling and engrossing, and status reporting, to determine the feasibility of joint operation of such facilities, and shall report thereon to the respective Houses from time to time as the occasion warrants. Should joint operation of any facility be provided by the two Houses, such facility shall be under the supervision and control of the Joint Committee. It is

further provided that the Joint Committee shall in no way interfere with the operation of the offices or staffs of individual Senators and members of the House of Representatives.

40. If a joint facility for the enrollment of bills is provided, it shall be the duty of such facility to enroll in accurate and correct form all bills or resolutions passed by both Houses, as well as any resolution passed by a single House which is subject to being enrolled, under such rules and regulations as may be promulgated by the Joint Committee. In the absence of such joint facility, it shall be the duty of the Enrolling and Engrossing Clerk of the House to enroll all bills and resolutions which originate in the House and the duty of the Enrolling and Engrossing Clerk of the Senate to enroll all bills and resolutions which originate in the Senate.

41. After examination and report, each bill shall be signed in the respective Houses, first by the presiding officer of the House in which the bill originated and then by the presiding officer of the other House, in accordance with Article 8, Section 38, of the Texas Constitution.

42. After a bill shall have been signed in each House, it shall be presented by the Joint Committee to the Governor for his consideration and action. The Joint Committee shall report the day of presentation to the Governor, which event and date thereof shall be entered in the Journal of the House in which the bill originated.

43. Unless and until a joint facility for the enrollment of bills is provided, the duties and responsibilities herein imposed on the Joint Committee shall be exercised and performed by the Senate Committee on Rules in the case of bills originating in the Senate, and by the House Committee on Enrolled and Engrossed Bills in the case of bills originating in the House.

44. All orders, resolutions and votes which are to be presented to the Governor for his approbation shall also be enrolled, examined and signed in the same manner as bills, and shall be presented in the same manner and by the same committee as provided in the case of bills.

#### ADJOURNMENTS

45. Neither House shall, without the consent of the other, adjourn for more

than three days, nor to any other place than that where the Legislature may be sitting (Constitution, Article 3, Section 17).

46. Consent for the adjournment of either or both Houses for more than three days shall be evidenced by a concurrent resolution passed by a majority vote in both Houses prior to the time such period of adjournment shall begin.

47. Each session of the Legislature shall adjourn sine die at the time fixed therefor by the Constitution of Texas unless an earlier date or time shall be determined by concurrent resolution passed by a majority vote in both Houses, in which event the date and time fixed by such resolution shall govern.

48. When the time arrives for sine die adjournment, each House shall give notice to the other that it has completed its labors and stands ready to adjourn sine die, and the fact of such notice shall be recorded in the Journals of the respective Houses.

49. When the time arrives for sine die adjournment, each House shall give notice to the Governor that it has completed its labors and stands ready to adjourn sine die, and the fact of such notice shall be recorded in the Journals of the respective Houses.

#### SUSPENDING THE JOINT RULES

50. Except as otherwise provided herein, no provision contained in the Joint Rules shall be suspended except by concurrent resolution passed by both Houses by a two-thirds vote of the members present and voting in each House, with the yeas and nays on each such vote to be recorded in the Journals of the respective Houses.

Sec. 2. Due to practical difficulties in the transition to new procedures, Joint Rules 21, 22, and 23 shall not be mandatory until the 61st calendar day of the regular session of the 62nd Legislature only; thereafter, to be in full force and effect.

#### APPENDIX

Sent to Governor

May 31, 1971

S. C. R. No. 137

S. B. No. 990  
S. B. No. 1032  
S. B. No. 801  
S. B. No. 400  
S. B. No. 584.  
S. B. No. 993  
S. B. No. 1028  
S. B. No. 359  
S. B. No. 80  
S. B. No. 419  
S. B. No. 421  
S. B. No. 908  
S. B. No. 931  
S. B. No. 1021  
S. B. No. 473  
S. B. No. 814  
S. B. No. 1020  
S. B. No. 817  
S. B. No. 818  
S. C. R. No. 86  
S. C. R. No. 41  
S. C. R. No. 114  
S. C. R. No. 101  
S. C. R. No. 103  
S. C. R. No. 116  
S. C. R. No. 129  
S. C. R. No. 132  
S. C. R. No. 133  
S. C. R. No. 135  
S. B. No. 881  
S. B. No. 534  
S. B. No. 1031  
S. B. No. 1009  
S. B. No. 1003  
S. B. No. 238  
S. B. No. 143  
S. B. No. 74  
S. B. No. 981

S. B. No. 1027	S. B. No. 736
S. B. No. 18	S. B. No. 331
S. B. No. 38	S. B. No. 533
S. B. No. 56	S. B. No. 803
S. B. No. 99	S. B. No. 997
S. B. No. 1001	S. B. No. 903
S. B. No. 126	S. B. No. 949
S. B. No. 734	S. B. No. 883
S. B. No. 494	S. B. No. 660
S. B. No. 1036	S. B. No. 877
S. B. No. 937	S. B. No. 537
S. B. No. 194	S. B. No. 975
S. B. No. 821	S. B. No. 530
S. B. No. 144	S. B. No. 576
S. B. No. 1002	S. B. No. 935
S. B. No. 1004	S. B. No. 998
S. B. No. 34	S. B. No. 940
S. B. No. 1007	S. B. No. 980
S. B. No. 860	S. B. No. 800
S. B. No. 934	S. B. No. 974
S. B. No. 521	S. B. No. 756
S. B. No. 72	S. B. No. 905
S. B. No. 240	S. B. No. 955
S. B. No. 132	S. B. No. 698
S. B. No. 552	S. B. No. 991
S. B. No. 392	S. B. No. 963
S. B. No. 1041	S. B. No. 420
S. B. No. 487	S. B. No. 737
S. B. No. 264	S. B. No. 554
S. B. No. 507	S. B. No. 66
S. B. No. 983	S. B. No. 728
S. B. No. 1024	S. B. No. 468
S. B. No. 408	S. B. No. 364
S. B. No. 51	S. B. No. 672
S. B. No. 578	S. B. No. 886
S. B. No. 613	S. B. No. 559
S. B. No. 1012	S. B. No. 926
S. B. No. 1029	S. B. No. 516



S. B. No. 343

S. B. No. 422

S. B. No. 813

S. B. No. 742

S. B. No. 872

S. B. No. 999

S. C. R. No. 83

S. C. R. No. 126

**Sent to Secretary of State**

S. J. R. No. 1

**Sent to Comptroller**

S. B. No. 455

S. B. No. 528

S. B. No. 268

S. B. No. 910

S. B. No. 11

S. B. No. 972

**Sent to Governor**

**June 2, 1971**

S. B. No. 972

S. B. No. 528

S. B. No. 268

S. B. No. 910 (Again Sent)

S. B. No. 11

S. B. No. 324

S. B. No. 455

Austin, Texas

May 31, 1971

The Honorable Preston Smith  
Governor of Texas  
Austin, Texas

Dear Governor Smith:

The Senate has taken no action on the following appointees and they are being returned to you:

To be Branch Pilots for the Sabine Bar, Pass and Tributaries: Captain James William Throgmorton and Captain Daniel Joseph Bromley.

Sincerely,

CHARLES A. SCHNABEL  
Secretary of the Senate

**In Memory of**  
**Former Senator Weaver Moore**

---

Senator Aikin offered the following resolution:

(Senate Resolution 1501)

Whereas, God in His infinite wisdom called from these earthly labors Honorable Weaver Moore of Houston, Texas; and

Whereas, Weaver Moore had a long and distinguished record of public service both as a member of the House of Representatives and the Senate of Texas; and

Whereas, Senator Moore made a very distinguished contribution to his State and his Nation and was widely known and respected as a sound thinker, conservative in his views, and one of the most able lawyers in our State; and

Whereas, It is the desire of the Senate to pay tribute to his memory and express to his family our sorrow at his passing; now, therefore, be it

Resolved, That when the Senate adjourn today it do so out of respect to the memory of this outstanding citizen and former Member of this Body, and that copies of this Resolution be mailed to his wife, Mrs. Helen Moore, and the other members of his immediate family.

The resolution was read and was adopted by a rising vote of the Senate.